

3. A true and correct copy of a redacted e-mail from Danielle Sinowitz to letsoprababy@gmail.com, with attachments, dated March 22, 2019 is attached hereto as **Exhibit B**.

4. A true and correct copy of an email from letsoprababy@gmail.com to Janice Kisty and Danielle Sinowitz dated March 24, 2019 is attached hereto as **Exhibit C**.

5. A true and correct copy of an e-mail from letsoprababy@gmail.com to Janice Kisty and Danielle Sinowitz dated March 24, 2019 is attached hereto as **Exhibit D**.

6. A true and correct copy of an email from Danielle Sinowitz to letsoprababy@gmail.com dated March 25, 2019 is attached hereto as **Exhibit E**.

7. A true and correct copy of a Subpoena Duces Tecum Jackson Township received from the State of New Jersey, Office of Attorney General, in DCR Docket No. AQ11WM-66721 “In re Jackson Township Ordinance Nos. 3-17, 04-17 and 20-17” on November 8, 2017 is attached hereto as **Exhibit F**.

8. A true and correct copy of an email from riseupocean@gmail.com to the Township dated March 25, 2019 is attached hereto as **Exhibit G**.

9. A true and correct copy of an email from Danielle Sinowitz to riseupocean@gmail.com dated March 26, 2019 is attached hereto as **Exhibit H**.

10. A true and correct copy of a Request and Authorization from Records Disposal, approved on March 6, 2019 is attached hereto as **Exhibit I**.

11. A true and correct copy of a Request and Authorization from Records Disposal, approved on February 5, 2018 is attached hereto as **Exhibit J**.

12. A true and correct copy of a Request and Authorization from Records Disposal, approved on February 20, 2019 is attached hereto as **Exhibit K**.

13. A true and correct copy of an email between riseupocean@gmail.com and Danielle Sinowitz dated March 26, 2019 is attached hereto as **Exhibit L**.

14. A true and correct copy of an email from Danielle Sinowitz to letsoprababy@gmail.com dated March 26, 2019 is attached hereto as **Exhibit M**.

15. A true and correct copy of excerpts of the Deposition Transcript of Janice Kisty, dated August 28, 2018 is attached hereto as **Exhibit N**.

16. A true and correct copy of a letter by Donna M. Jennings to the Honorable Douglas E. Arpert, U.S.M.J., dated February 27, 2019 is attached hereto as **Exhibit O**.

17. A true and correct copy of the Amended Complaint in the matter of Oros Bais Yaakov High School v. Township of Jackson, NJ and Jackson Township Zoning Board of Adjustment, Docket No. OCN-PW-L-2981-14, dated June 14, 2017 is attached hereto as **Exhibit P**.

18. A true and correct copy of deposition exhibits P-3, P-6, P-14, and P-17 is attached hereto as **Exhibit Q**.

19. A true and correct copy of a letter by Sean D. Gertner to the Honorable Marlene Lynch Ford, A.J.S.C. dated March 5, 2019 is attached hereto as **Exhibit R**.

20. A true and correct copy of an email from Janice Kisty to Danielle Sinowitz dated March 8, 2019 is attached hereto as **Exhibit S**.

21. A true and correct copy of an email from Janice Kisty to Danielle Sinowitz dated March 12, 2019 is attached hereto as **Exhibit T**.

22. A true and correct copy of the Complaint in the matter of Oros Bais Yaakov High School v. Township of Jackson, NJ and Jackson Township Zoning Board of Adjustment, Docket No. OCN-PW-L-2981-14, dated October 15, 2014 is attached hereto as **Exhibit U**.

23. A true and correct copy of the unpublished decision in *David's Bridal, Inc. v. House of Bridges*, No. CV 06-5660 (SRC), 2009 WL 10690456 (D.N.J. Nov. 10, 2009), is attached hereto as **Exhibit V**.

24. A true and correct copy of the unpublished decision in *Kachigian v. Berkshire Life Ins. Co. of Am.*, No. CIV.A. 09-6217 DEA, 2013 WL 1338288 (D.N.J. Aug. 3, 2011), is attached hereto as **Exhibit W**.

25. A true and correct copy of the unpublished decision in *Katiroll Co. v. Kati Roll & Platters, Inc.*, No. CIV.A. 10-3620 GEB, 2011 WL 3583408 (D.N.J. Aug. 3, 2011) is attached hereto as **Exhibit X**.

DECLARATION

I hereby declare under penalty of perjury that the foregoing statements are true and correct pursuant to 28 U.S.C. §1746.

/s/ Donna M. Jennings
DONNA M. JENNINGS (DJ7790)

Dated: April 12, 2019

EXHIBIT A

Fw: Information request

Janice Kisty

Tue 2/26/2019 9:20 AM

To: Danielle Sinowitz <dsinowitz@jacksontwpnj.net>;

Danielle,
Please process.
Thank you.

Janice Kisty
Township Clerk/Registrar
Jackson Township
95 W. Veterans Highway
Jackson, NJ 08527
732-928-1200 x1200
fax 732-928-4377

From: rise up ocean <riseupocean@gmail.com>
Sent: Monday, February 25, 2019 6:52 AM
To: Ann Marie Eden; Janice Kisty
Subject: Information request

Dear Clerk,
Under OPRA please send me all emails and letters to and from Mike Reina, Rob Nixon , Barry Calogero , Scott Marin, Ann Updegrave and Ken Bressi with regards to Oros Bais Yaakov , girls schools, and schools between 01/01/14 thru 01/01/15

EXHIBIT B

REDACTED

----- Forwarded message -----

From: **Danielle Sinowitz** <dsinowitz@jacksontwpnj.net>
Date: Fri, Mar 22, 2019 at 3:02 PM
Subject: OPRA Response
To: letsoprababy@gmail.com <letsoprababy@gmail.com>

Danielle Sinowitz has shared a OneDrive for Business file with you. To view it, click the link below.

 JAN 14- JAN 15 emails.pdf

Dear OPRA Baby:

Please accept this as my official response to your OPRA (copy attached). Attached please find records requested pertaining to emails and letters to and from Mike Reina, Rob Nixon, Barry Calogero, Scott Martin, Ann Updegrave, and Ken Bressi in regards to Oros Bais Yaakov, Girls schools.

Please be advised "schools" is overly broad and requires clarification

Please note: Redactions have been made pursuant to NJSA 47:1A-1.1

Danielle Sinowitz

Clerk I
Jackson Township
95 West Veterans Highway
Jackson, NJ 08527
Tel: 732-928-1200 ext. 1203
Email: Dsinowitz@jacksontwpnj.net



Fw: Information request

Janice Kisty

Tue 2/26/2019 9:20 AM

To: Danielle Sinowitz <dsinowitz@jacksontwpnj.net>;

RECEIVED
TOWNSHIP CLERK
2019 FEB 26 A 10:02

Danielle,
Please process.
Thank you.

Janice Kisty
Township Clerk/Registrar
Jackson Township
95 W. Veterans Highway
Jackson, NJ 08527
732-928-1200 x1200
fax 732-928-4377

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Email OPRA 1/1/14 through 1/1/15 - Samantha Novak

<https://outlook.office365.com/owa/?ItemID=AAMkADFhNDNj>

Extended
3/22/19

Email OPRA 1/1/14 through 1/1/15

Danielle Sinowitz

Tue 2/26/2019 4:14 PM

To: Michael Reina <mikereina@jacksontwpnj.net>; Robert Nixon <councilmannixon@jacksontwpnj.net>; Barry Calogero <councilmancalogero@jacksontwpnj.net>; Kenneth Bressi <councilmanbressi@jacksontwpnj.net>;

Cc: Samantha Novak <snovak@jacksontwpnj.net>; CHRISTIAN DAVID <christiandavid@jacksontwpnj.net>;

1 attachments (32 KB)

Email OPRA 1-1-14 through 1-1-15.pdf;

Good Afternoon,

Attached please find OPRA submitted by Lets OPRA Baby. Should no such record exist please advise. Date to comply is on or before March 7th.

Thank you!

Danielle Sinowitz

Clerk I

Jackson Township

95 West Veterans Highway

Jackson, NJ 08527

Tel: 732-928-1200 ext. 1203

Email: Dsinowitz@jacksontwpnj.net



Fw: Information request - Danielle Sinowitz

<https://outlook.office.com/owa/?ItemID=AAMkAGMyZGZhNj>.

Fw: Information request

Janice Kisty

Tue 2/26/2019 9:20 AM

To: Danielle Sinowitz <dsinowitz@jacksontwpnj.net>;

Danielle,
Please process.
Thank you.

Janice Kisty
Township Clerk/Registrar
Jackson Township
95 W. Veterans Highway
Jackson, NJ 08527
732-928-1200 x1200
fax 732-928-4377

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From: Jean L. Cipriani, Esq. <jlc@gm-law.net>
Sent: Tuesday, March 18, 2014 9:45 AM
To: Michael Reina
Cc: Joey Torres
Subject: Fwd: Oros Bais Yaakov High School
Attachments: image005.png; image006.png; 140317_jap_Jack Twp ZB_Oros Bais HS.pdf

Jean L. Cipriani, Esq.
Gilmore & Monahan, P.A.
10 Allen Street, 4th Floor
P.O. Box 1540
Toms River, NJ 08754-1540

732-240-6000 (telephone)
732-244-1840 (facsimile)
jlc@gm-law.net

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Begin forwarded message:

From: Susan Bradshaw <SBradshaw@maserconsulting.com>
Subject: Oros Bais Yaakov High School
Date: March 18, 2014 9:44:18 AM EDT
To: "planningzoning@jacksontwpnj.net" <planningzoning@jacksontwpnj.net>
Cc: "jlc@gm-law.net" <jlc@gm-law.net>, James Priolo <jpriolo@maserconsulting.com>

Hello,

On behalf of Jim Priolo, attached please find the above. Please contact me if you have any questions.
Thank you!

Susan A. Bradshaw
Senior Administrative Assistant
Connect with Us:



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

Corporate Headquarters
331 Newman Springs Road, Suite 203
Red Bank, NJ 07701
T: 732.383.1950
F: 732.383.1984
www.maserconsulting.com

March 17, 2014

Dawn D'Agostino, Board Clerk
Jackson Township Zoning Board
Office of Planning and Zoning
95 West Veterans Highway
Jackson, NJ 08527

Re: Oros Bais Yaakov High School
Site Plan #741 W/Use Variance #3004
Block 21401, Lot 6, 38 Cross Street

Dear Ms. D'Agostino:

Maser Consulting P.A. is being retained by the Office of the Mayor to perform a review of all documents related to the above-referenced zoning board application. Our office will need copies of all documents submitted for both the use variance and site plan components of this application including site plan sets, storm water reports, traffic studies, environmental documents, planning documents and any other documents that were submitted by the Applicant.

We are available to come to your office to pick up copies or can make copies, if necessary. Please contact me at 732-383-1950 Ext 3475 (Office), [REDACTED] (Cell), or by email at jpriolo@maserconsulting.com to coordinate.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in black ink, appearing to read "James A. Priolo", is written over a circular stamp or seal.

James A. Priolo, P.E., P.P., C.M.E.
Principal Engineer

JAP/sab
cc. Jean Cipriani, Esq., Township Attorney

\\hqf\as\municipal\engineering\jackson township\140317_jap_jack twp zb_oros bais hs.docx

From: Michael Reina <mikereina@jacksontwpnj.net>
Sent: Tuesday, March 18, 2014 10:11 AM
To: Robert Nixon
Subject: Fwd: Oros Bais Yaakov High School
Attachments: 140317_jap_Jack Twp ZB_Oros Bais HS.pdf; image005.png; image006.png

As discussed.

Sincerely,

Michael Reina

Mayor
Jackson Township
95 West Veterans Highway
Jackson NJ 08527
Office 732-928-1200 ext.1211
Fax 732-928-2613
mikereina@jacksontwpnj.net

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From: "Jean L. Cipriani, Esq." <jlc@gm-law.net>
To: "Michael Reina" <mikereina@jacksontwpnj.net>
Cc: "Joey Torres" <jtorres@jacksontwpnj.net>
Sent: Tuesday, March 18, 2014 9:45:14 AM
Subject: Fwd: Oros Bais Yaakov High School

Jean L. Cipriani, Esq.
Gilmore & Monahan, P.A.
10 Allen Street, 4th Floor

P.O. Box 1540
Toms River, NJ 08754-1540

732-240-6000 (telephone)
732-244-1840 (facsimile)
jlc@gm-law.net

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From: Susan Bradshaw <SBradshaw@maserconsulting.com>
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Date: March 18, 2014 9:44:18 AM EDT
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Cc: "jlc@gm-law.net" <jlc@gm-law.net>, James Priolo
<jpriolo@maserconsulting.com>

Hello,

On behalf of Jim Priolo, attached please find the above. Please contact me if you have any questions.
Thank you!

Susan A. Bradshaw
Senior Administrative Assistant
Connect with Us:

[image/png:image005.png]

[image/png:image006.png]

Maser Consulting P.A.
331 Newman Springs Road | Suite 203 | Red Bank, NJ 07701
P: 732.383.1950 ext: 3376
www.maserconsulting.com



Please consider the environment before printing this e-mail.

In a continuing effort to support its strategic growth initiative, Maser Consulting recently opened a new office in Tampa, FL. This latest office will provide new Mobile LIDAR Mapping services while strengthening its Civil and Site services to meet growing commercial development opportunities. Now employing over 450 professionals throughout the East Coast, our award-winning firm has a nationally diversified project portfolio.

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From: Jeff Purpuro <jpurpuro@jacksonwpnj.net>
Sent: Tuesday, March 18, 2014 12:09 PM
To: jpriolo@maserconsulting.com
Cc: Dawn D'Agostino; Jean L. Cipriani, Esq.; sbradshaw@maserconsulting.com; Michael Reina
Subject: Re: Oros Bais Yaakov High School

Mr Priolo,

I've been informed that the information that you have requested is ready for pick up. But based on your letter, it might be best that you review the entire file in our office, at your convenience, to verify that all information and documents are in order, and meet your satisfaction. As such, I'll not be mailing anything until I hear back from you. Thank you.

Jeffrey Purpuro
Jackson Township Zoning Officer
95 W. Veterans Hwy. Jackson, NJ 08527
732.928.1200 ext. 1240
732.928.1397 (fax)

From: "Dawn D'Agostino" <planningzoning@jacksonwpnj.net>
To: "JEFF" <JPURPURO@JACKSONTWPNJ.NET>
Sent: Tuesday, March 18, 2014 10:02:16 AM
Subject: Fwd: Oros Bais Yaakov High School

From: "Susan Bradshaw" <SBradshaw@maserconsulting.com>
To: planningzoning@jacksonwpnj.net
Cc: jlc@gm-law.net, "James Priolo" <jpriolo@maserconsulting.com>
Sent: Tuesday, March 18, 2014 9:44:18 AM
Subject: Oros Bais Yaakov High School

Hello,

On behalf of Jim Priolo, attached please find the above. Please contact me if you have any questions. Thank you!

Susan A. Bradshaw
Senior Administrative Assistant

Connect with Us:



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331 Newman Springs Road | Suite 203 | Red Bank, NJ 07701
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From: James Priolo <jpriolo@maserconsulting.com>
Sent: Tuesday, March 18, 2014 1:50 PM
To: Jeff Purpuro
Cc: Dawn D'Agostino; Jean L. Cipriani, Esq.; Susan Bradshaw; Michael Reina
Subject: RE: Oros Bais Yaakov High School

Jeff/Dawn,
Thanks for pulling everything together quickly. If ok, I will stop over tomorrow around 1pm to review the file as Jeff suggests and pick everything up.

Jim

James A. Priolo, P.E., P.P., C.M.E., C.P.W.M.
Discipline Leader
Maser Consulting P.A.
C: 732.600.4080 P: 732.383.1950 ext: 3475

From: Jeff Purpuro [mailto:jpurpuro@jacksontwpnj.net]
Sent: Tuesday, March 18, 2014 12:09 PM
To: James Priolo
Cc: Dawn D'Agostino; Jean L. Cipriani, Esq.; Susan Bradshaw; Michael Reina
Subject: Re: Oros Bais Yaakov High School

Mr Priolo,

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Jeffrey Purpuro
Jackson Township Zoning Officer
95 W. Veterans Hwy. Jackson, NJ 08527
732.928.1200 ext. 1240
732.928.1397 (fax)

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To: "JEFF" <JPURPURO@JACKSONTWPNJ.NET>
Sent: Tuesday, March 18, 2014 10:02:16 AM
Subject: Fwd: Oros Bais Yaakov High School

From: "Susan Bradshaw" <SBradshaw@maserconsulting.com>
To: planningzoning@jacksontwpnj.net
Cc: jlc@gm-law.net, "James Priolo" <jpriolo@maserconsulting.com>

Sent: Tuesday, March 18, 2014 9:44:18 AM
Subject: Oros Bais Yaakov High School

Hello,

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Susan A. Bradshaw
Senior Administrative Assistant

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From: Janice Kisty <jkisty@jacksontwpnj.net>
Sent: Thursday, May 08, 2014 9:07 AM
To: Bressi, Ken; Calogero, Barry; Martin, Scott; Nixon, Robert; Ann Updegrave; Michael Reina; Joey Torres
Cc: Christian David
Subject: Zoning Board Minutes of 4/2/14, as adopted 5/7/14
Attachments: ZONING BOARD MINUTES OF 4-2-14.doc

Christian -
Please post on our website. Thank you,

--
Janice Kisty
Deputy Clerk
Township of Jackson
95 W. Veterans Highway
Jackson, NJ 08527
(732) 928-1200 x 1201
(732) 928-4377 (fax)

From: Denise Garner <jcreedst@msn.com>
Sent: Friday, May 16, 2014 9:47 AM
To: ksevcenk@optonline.net
Cc: seattlesilly@gmail.com; Denise Garner; trusso30@optimum.net; bkrubner@aol.com; dano1252@hotmail.com; diana@dianabrunner.com; bsprechman@aol.com; davedimech@optimum.net; mikereina@jacksontwpnj.net
Subject: Site Walk Report & Pill Drop Letter - Please Add to Agenda for discussion
Attachments: Env Commission Memo - Site Visit Oros Bis Yaakov HS Blk 21401 Lt 6.docx; Pill Drop Letter - Chief_of_Police_DRAFT.docx

Importance: High

Hi Kathy,

I have a request for you to add the attached letter Pill Drop Letter to our May 20th agenda for discussion. Also, Ian Boden will be attending our meeting to review the site walk that Tony and I had with him. Report is attached also.

Also, I don't have Marty Fleming e-mail address.

If you ahve questions please e-mail or call me at [REDACTED]

Thank you,

Denise

Township of Jackson, Environmental Commission

95 W. Veterans Hwy, Town Hall
Jackson, NJ 08527

Memo

To: Zoning Board of Adjustment (Zoning Board), Township (Twp.) of Jackson
From: Anthony Russo and Denise Garner, Environmental Commissioners Twp. of Jackson
CC: Environmental Commission (Commission), Twp., of Jackson;
Raymond F. Shea, Jr., Esq; Sean D. Gertner, Esq.; Office of the Mayor,
Twp. Jackson; Evan D. Hill, P.E., and Ian M. Boden, PP, AICP, CF, President,
Professional Design Services (PDS), L.L.C.
Date: May 15th, 2014
RE: Proposed School, 38 Cross Street, @ Blk 21401 / Lt 6, Twp. of Jackson, Ocean
County, NJ

Subject Application: Preliminary & Final Major Site Plan, Proposed Oros Bais Yaakov High School

Purpose: This Memo is in follow-up to the Commission's meeting dated 04/15/2014 and site visit conducted on May 5th, 2014.

During the Commission meeting on 04/15/2014 it was noted that the applicant agreed to a site visit on May 10, 2014. The site visit was coordinated with Mr. Ian Borden the applicant's representative, Denise Garner and Tony Russo of the Jackson Township Environmental Commission.

On May 10, 2014, Denise Garner and Tony Russo of the Jackson Township Environmental Commission performed a site visit with the applicant's representative, Ian Borden. After conducting the site walk and after reviewing the reports and correspondence, the Environmental Commission has serious concerns with the property in question. Specifically, it was evident that the property was not and has not been maintained through the years. There was ample evidence of discarded oil, gasoline, chemical solvents and paint containers throughout the site. There were also numerous tires, abandoned vehicles, discarded metal, plastic and other debris spread-out over the site. It was also apparent that the site may have been used as a vehicle servicing area.

While we appreciate that many of these areas were noted in the Phase I report, it is our understanding that a Phase II would be conducted in accordance with the Technical Requirements for Site Remediation N.J.A.C. 7:26E. Once the data is collected from the groundwater and soil samples it can be analyzed to determine if any contaminants are present on this property.

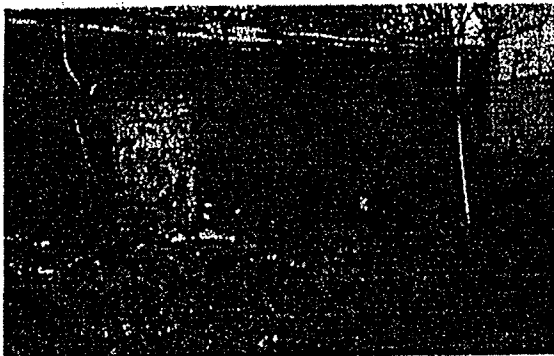
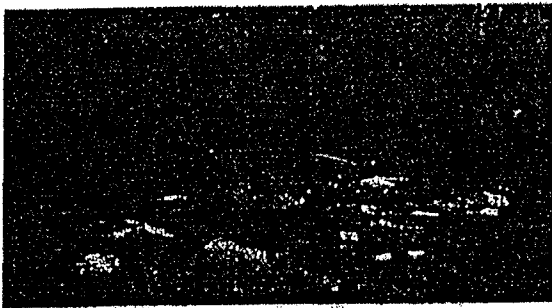
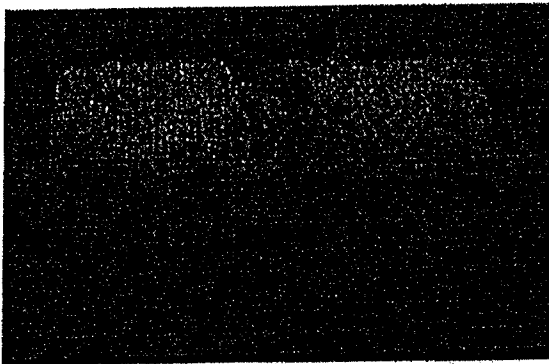
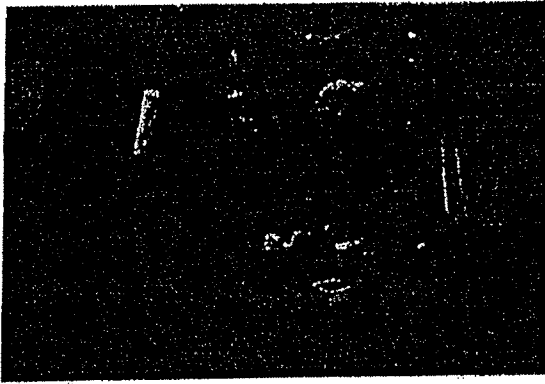
Because, we are concerned about potential environmental impacts to the groundwater and soil samples, we are advising to have the property owner complete the Phase II, to establish a comprehensive report, which would include the data analysis of the site's ground water and soil samples.

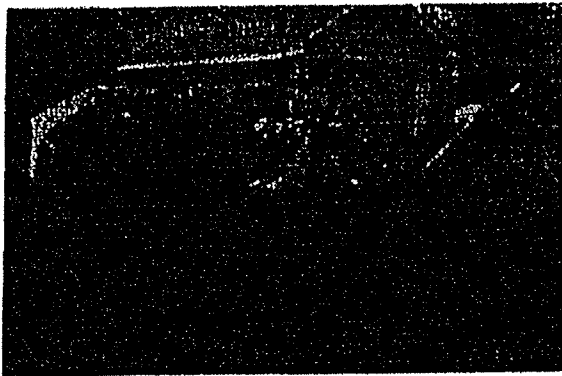
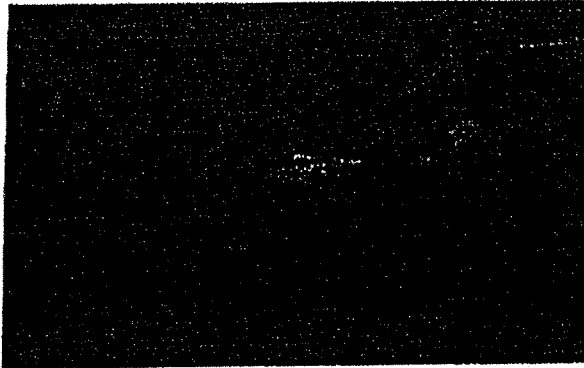
Please feel free to contact either Anthony Russo at [REDACTED] or Denise Garner at [REDACTED]

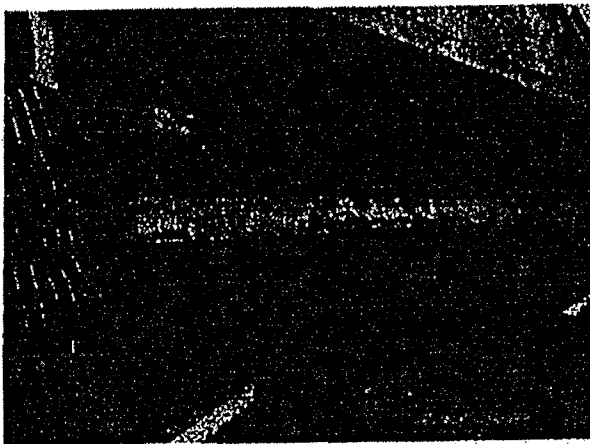
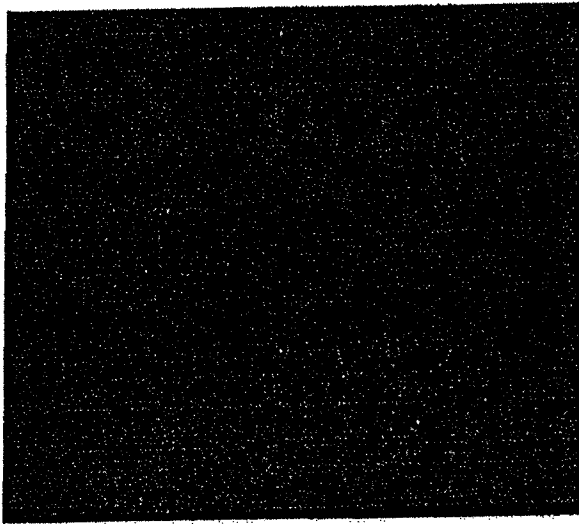
Sincerely,

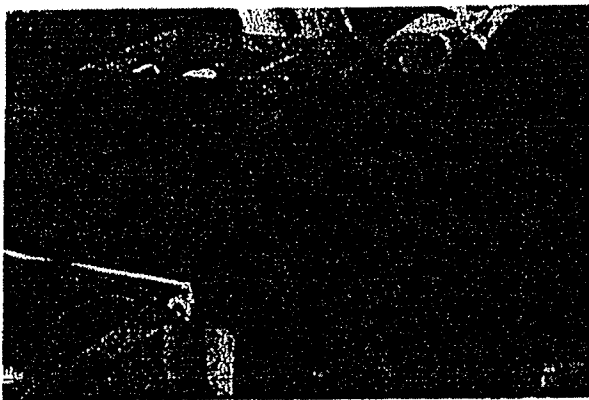
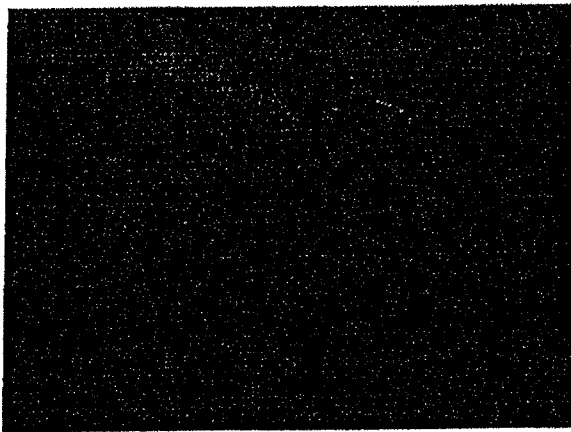
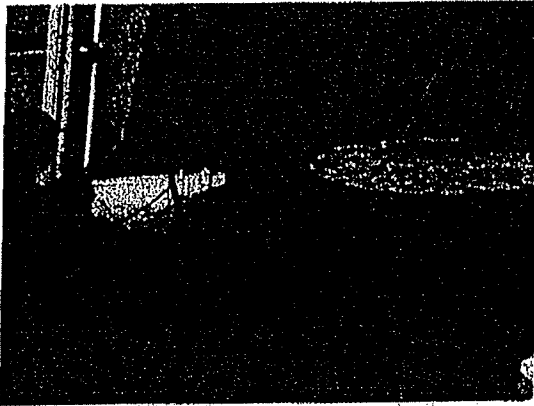
Anthony Russo and Denise Garner

May 10th, 2014 - Site Visit Pictures of Blk 21401 / Lt 6, Twp. of Jackson









From: Shulamis Greenfield <smgreenfield@gmail.com>
Sent: Friday, May 23, 2014 3:50 PM
To: mikereina@jacksontwpnj.net
Subject: Jackson Township: Hate and bigotry in the City of Jackson

This is an enquiry e-mail via <http://jacksontwpnj.net/> from:
Shulamis Greenfield <smgreenfield@gmail.com>

Dear Mayor Reina,

I have become alarmed at the amount of hateful comments I have been hearing from Jackson residents and reading online. Since the zoning hearing for Oros Bais Yaakov started, hateful comments and plain old lies and slurs have abounded on sites such as the APP comments and Jackson Facebook Watchdogs. What really bothers me is that I live near the Jackson border and used to shop and go to parks in Jackson. I no longer do so because of rude behavior and comment such as "if you don't pay taxes, your kids can't play here." (As an aside, I pay more more taxes than most people in Jackson.) I don't know if there is anything you can do as a mayor, but if there is anything you can do to keep your town from sliding further into the cesspool of anti-jewish behavior it would be nice.

From: Michael Reina <mikereina@jacksontwpnj.net>
Sent: Monday, May 26, 2014 6:53 AM
To: Jean L. Cipriani, Esq.
Subject: Re: Jackson Township: follow up- hate in Jackson

Mike

----- Original Message -----

From: "Jean L. Cipriani, Esq." <jlc@gm-law.net>
To: "Michael Reina" <mikereina@jacksontwpnj.net>
Sent: Sunday, May 25, 2014 10:58:01 PM
Subject: Re: Jackson Township: follow up- hate in Jackson

Sent from my iPhone

> On May 25, 2014, at 9:22 PM, Michael Reina <mikereina@jacksontwpnj.net> wrote:

[REDACTED]

>

[REDACTED]

[REDACTED]

>

[REDACTED]

>

> Sincerely,

>

> Michael Reina

>

> Mayor

> Jackson Township

> 95 West Veterans Highway

> Jackson NJ 08527

> Office 732-928-1200 ext.1211

> Fax 732-928-2613

> mikereina@jacksontwpnj.net

>

>

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>

> -----

> -----

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> Shulamis Greenfield <smgreenfield@gmail.com>

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>

> -----

> -----

>
> ----- Original Message -----
> From: "Shulamis Greenfield" <smgreenfield@gmail.com>
> To: mikereina@jacksontwpnj.net
> Sent: Friday, May 23, 2014 6:44:33 PM
> Subject: Jackson Township: follow up- hate in Jackson
>
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> Shulamis Greenfield <smgreenfield@gmail.com>
>
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> ridiculously low taxes Michael W Sachs @Seymour you are so correct. These loopholes have to be stopped. Problem is
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!!! We don't want our beautiful town turning into the overcrowded atrocity that Lakewood has become.
> Brian Arcella Enough is enough, this whole application is littered with lies, fabrications and deception. Its all part of a
larger plan. Why else would you not build your structure on an adjoining piece of commercial property other then to set
a president (sic)

From: Shulamis Greenfield <smgreenfield@gmail.com>
Sent: Monday, May 26, 2014 12:42 PM
To: Michael Reina
Subject: Re: Comments

Dear Mayor Reina,

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With best regards,

On Mon, May 26, 2014 at 7:08 AM, Michael Reina <mikereina@jacksontwpnj.net> wrote:
Mr. Greenfield,

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Now I would like to address your comment about "Jackson sliding into a cesspool of anti Jewish sentiment. I take exception to that comment Sir because that too is an ignorant statement that I would have to assume you based on the few comments that you have read on the internet? So you see right there you too have already judged the entire Township of Jackson on what you read online, you provide no facts just internet dialogue! For the record Sir, Jackson is far from being a cesspool and furthermore takes pride with all of it's communities and what they have to offer. Our Township is diversified and each community is a welcomed asset for all to enjoy. The Township and every community be it a retirement community or a sub division within our borders welcomes everyone with equal enthusiasm regardless of race, color, creed or religion.

In ending, I appreciate that you took the time to write me but the latter part of this email is to set the record straight and to tell you point blank your entire "cesspool" statement is incorrect and could not be any further from the truth. I

trust that with my response you have a better understanding of Jackson as a whole and not the anti Jewish community that you stated we are. Thank you and have a nice day.

Sincerely,

Michael Reina

Mayor
Jackson Township
95 West Veterans Highway
Jackson NJ 08527
Office 732-928-1200 ext.1211
Fax 732-928-2613
mlkereina@jacksontwpnj.net

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--
Shulamis Greenfield

From: Michael Reina <mikereina@jacksontwpnj.net>
Sent: Monday, May 26, 2014 12:46 PM
To: Kenneth Bressi; Ann Updegrave
Subject: Fwd: Comments

FYI, thank you.

Mike

From: "Michael Reina" <mikereina@jacksontwpnj.net>
To: smgreenfield@gmail.com
Sent: Monday, May 26, 2014 7:08:29 AM
Subject: Re: Comments

Mr. Greenfield,

I am in receipt of both your email messages. I can understand the frustration because I too am against negative and bias comments but I think we both can agree this is not a one sided argument or concern, in fact some statements made from both sides were hurtful and to be frank, ignorant. I believe the problem arises on two main issues, one is not understanding Municipal Land Use Law and the second is the rumor mill. Both these issues when combined produce unbridled passions, resentment and misunderstandings which spread quickly. You told me you read these comments online, you being an intelligent person should know that online comments are not monitored nor are they always factual. Again, I think we can agree that the negative comments made from a few people on both sides do not represent the sentiments from the Jackson and Lakewood communities. The press and social media sites have blogs that people more often than not vent their feelings and frustrations on them because they can. Hopefully one day people realize that instead of condemning each other over beliefs and opinions it would benefit all if they educate themselves first then civilly discuss the issues at hand so that each may have a better understand over what it is that they are disagreeing on.

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Michael Reina

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95 West Veterans Highway
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Office 732-928-1200 ext.1211
Fax 732-928-2613
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From: Michael Reina <mikereina@jacksontwpnj.net>
Sent: Monday, May 26, 2014 9:39 PM
To: Shulamis Greenfield
Subject: Re: Comments

Ms. Greenfield,

First let me apologize for mistaking your gender. Second I want to thank you for the openness and sincerity of your response to my return email. It's comforting to know that reasonable people still exist and are willing to work together. Thank you for your devotion and dedication to the Children that you care for, it is an very honorable profession. As far as me reading my email I try to always check and read it every 2-4 hours, no one reads it or answers anything on my behalf. Please feel to reach out anytime should you wish, thank you.

Sincerely,

Michael Reina

Mayor
Jackson Township
95 West Veterans Highway
Jackson NJ 08527
Office 732-928-1200 ext.1211
Fax 732-928-2613
mikereina@jacksontwpnj.net

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From: "Shulamis Greenfield" <smgreenfield@gmail.com>
To: "Michael Reina" <mikereina@jacksontwpnj.net>
Sent: Monday, May 26, 2014 12:42:28 PM
Subject: Re: Comments

Dear Mayor Reina,

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--
Shulamis Greenfield

From: SEVCENKO <ksevchenk@optonline.net>
Sent: Tuesday, June 03, 2014 5:51 PM
To: bkrubner@aol.com;bsprechman@aol.com;jcreedst@msn.com;seattlesilly@gmail.com;dano1252@hotmail.com;trusso30@optimum.net;diana@dianabrunner.com;davedimech@optimum.net;mikereina@jacksonwpnj.net;mikereina@jacksonwpnj.net;ray@rayshealaw.com;Ehill@dewberry.com;sgertner@gmplaw.net;lborden@pds-nj.com
Subject: Proposed Oros Bais Yaakov High School, 38 Cross Street - Jackson Environmental Commission
Attachments: 38 Cross St..pdf

Please see attached correspondence.



Environmental
Commission
Township of
Jackson

MUNICIPAL BUILDING
95 WEST VETERANS HIGHWAY
JACKSON, NEW JERSEY 08527
732-928-1200

Memo

To: Zoning Board of Adjustment, Jackson Twp.

From: Anthony Russo and Denise Garner, Environmental Commission, Jackson Twp.

CC: Environmental Commission, Jackson Twp.; The Honorable Michael Reina, Mayor, Jackson Township; Mr. Raymond F. Shea, Jr., Esq; Mr. Sean D. Gertner, Esq.; Mr. Evan D. Hill, P.E.; and Mr. Ian Borden, President, Professional Design Services (PDS), L.L.C.

Date: June 2, 2014

RE: Proposed Oros Bais Yaakov High School, 38 Cross Street, @ Blk 21401 / Lt 6, Twp. of Jackson, Ocean County, NJ

Subject Application: Preliminary & Final Major Site Plan, Proposed

During the 04/15/2014 Environmental Commission meeting, Mr. Ian Borden, the applicant's representative, agreed to perform a site visit with representatives of the Jackson Twp Environmental Commission to evaluate the environmental conditions at the site.

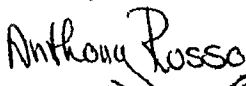
Ms. Denise Garner and Mr. Tony Russo of the Jackson Township Environmental Commission performed a site visit on May 10, 2014 with Mr. Borden. After conducting the site walk and after reviewing the reports and correspondence, the Environmental Commission has serious concerns with the property in question. Specifically, it was evident that the property has not been maintained throughout the years. There was significant and overwhelming evidence of discarded oil, gasoline, chemical solvents and paint containers throughout the site. Additionally, there were numerous tires, abandoned vehicles, discarded metal, plastic and other debris spread-out over the site. It was also apparent that the site may have been used as a vehicle servicing area.

While we appreciate that many of these areas were noted in the Phase I report, it is our understanding that a Phase II would be conducted in accordance with the Technical Requirements for Site Remediation N.J.A.C. 7:26E. Once the data are collected from the groundwater and soil samples as part of this Phase II, they can be analyzed to determine if any contaminants are present on this property.

Because of the lack of data, the observed surface contamination, and because of the site conditions noted above, the Environmental Commission recommends that the Zoning Board of Adjustment deny the application before them.

Please contact me at [REDACTED] or Denise Garner at [REDACTED] to discuss the matter further.

Sincerely,


Anthony Russo (A)

Chairman
Environmental Commission, Jackson Township

From: Tony Russo <trusso30@optimum.net>
Sent: Wednesday, June 04, 2014 4:02 PM
To: Michael Reina
Subject: Re: Proposed Oros Bais Yaakov High School, 38 Cross Street - Jackson Environmental Commission

Thank you for the support Mayor.

Tony

On Tue, Jun 03, 2014 at 05:56 PM, Michael Reina wrote:

>
> Ms. Sevchenko, Chairman Russo, Members of the Commission,
>
> Thank you for passing this report on to me and as always, your
> dedication to the environment and professionalism.
> Sincerely,
>
> Michael Reina
>
> Mayor
> Jackson Township
> 95 West Veterans Highway
> Jackson NJ 08527
> Office 732-928-1200 ext.1211
> Fax 732-928-2613
> mikereina@jacksontwpnj.net
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> to sender and destroy the original transmission and its attachments
> without reading or saving in any manner.
>
> ----- Original Message -----
> From: "SEVCENKO" To: bkrubner@aol.com, bsprechman@aol.com,
> jcreedst@msn.com, seattlesilly@gmail.com, dano1252@hotmail.com,
> trusso30@optimum.net, diana@dianabrunner.com, davedlmech@optimum.net,
> "mikereina@jacksontwpnj.net mikereina@jacksontwpnj.net" ,

> ray@rayshealaw.com, Ehill@dewberry.com, sgertner@gmplaw.net,
> IBorden@pds-nj.com
> Sent: Tuesday, June 3, 2014 5:51:14 PM
> Subject: Proposed Oros Bais Yaakov High School, 38 Cross Street -
> Jackson Environmental Commission
>
>
>
> Please see attached correspondence.
>
>
>

From: James Priolo <jpriolo@maserconsulting.com>
Sent: Wednesday, June 11, 2014 7:14 PM
To: Michael Reina
Subject: FW: Oros Bais Yaakov High School - Jackson
Attachments: 140520_jap_No Letterhead Review Memo #1.pdf

Mike – attached is report I sent to Jean. Jim

James A. Priolo, P.E., P.P., C.M.E., C.P.W.M.
Discipline Leader
Maser Consulting P.A.
C: 732.600.4080 P: 732.383.1950 ext: 3475


From: James Priolo
Sent: Wednesday, May 21, 2014 10:54 AM
To: 'Jean L. Cipriani, Esq.'
Subject: Oros Bais Yaakov High School - Jackson

[REDACTED]

Jim

James A. Priolo, P.E., P.P., C.M.E., C.P.W.M.
Discipline Leader
Maser Consulting P.A.
C: 732.600.4080 P: 732.383.1950 ext: 3475

From: Susan Bradshaw
Sent: Wednesday, May 21, 2014 10:50 AM
To: James Priolo
Subject: Oros Bais Yaakov High School

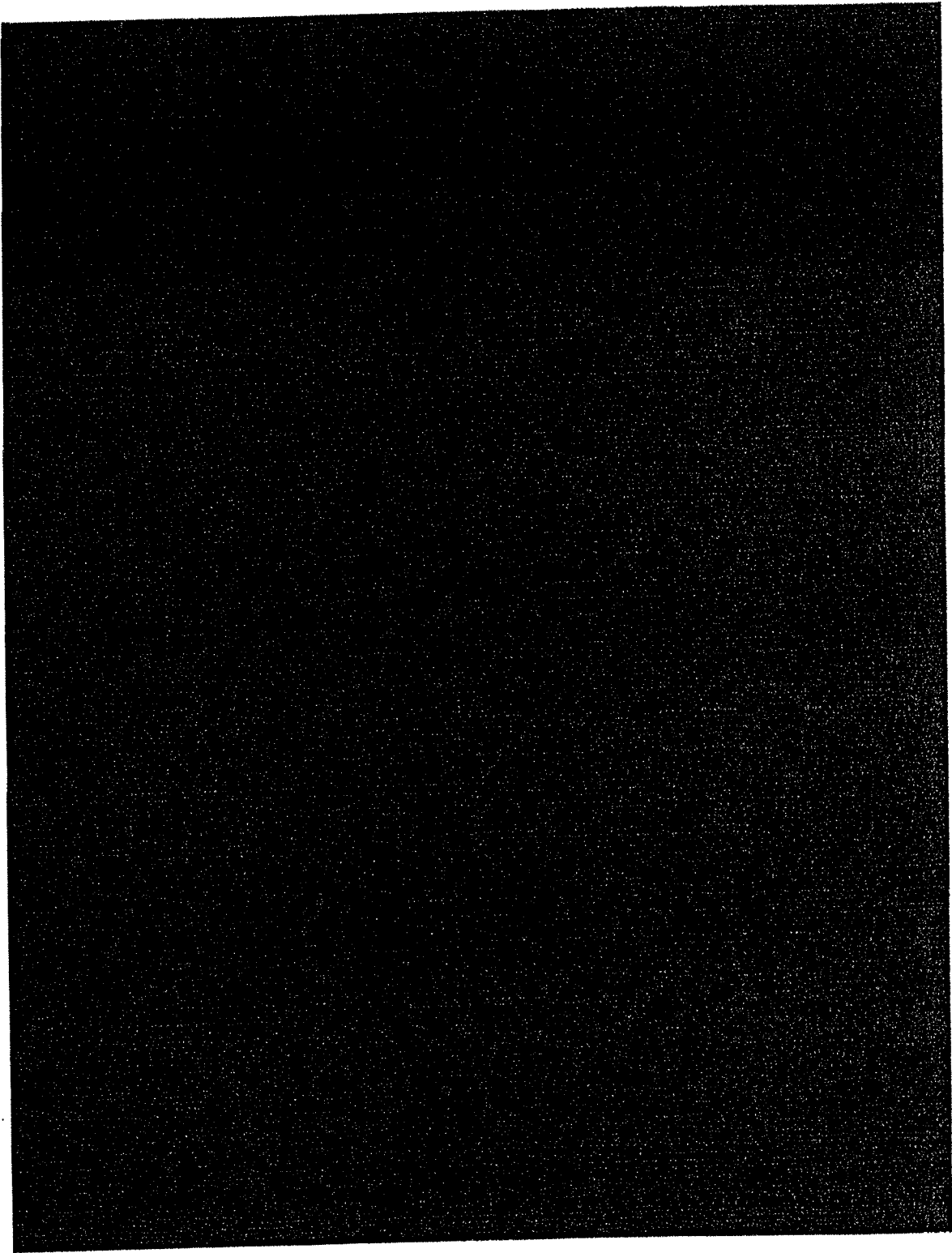
 Please consider the environment before printing this e-mail.

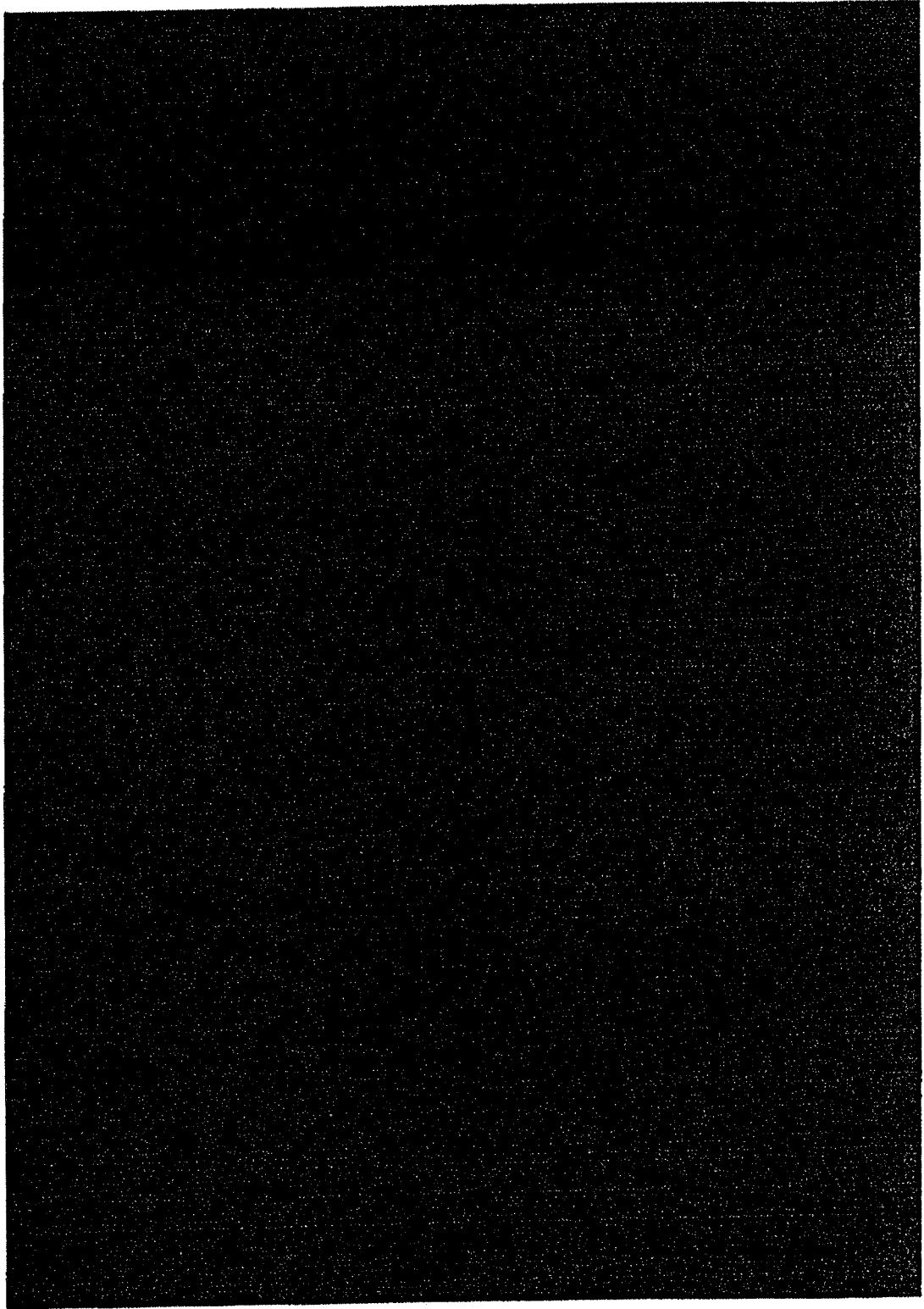
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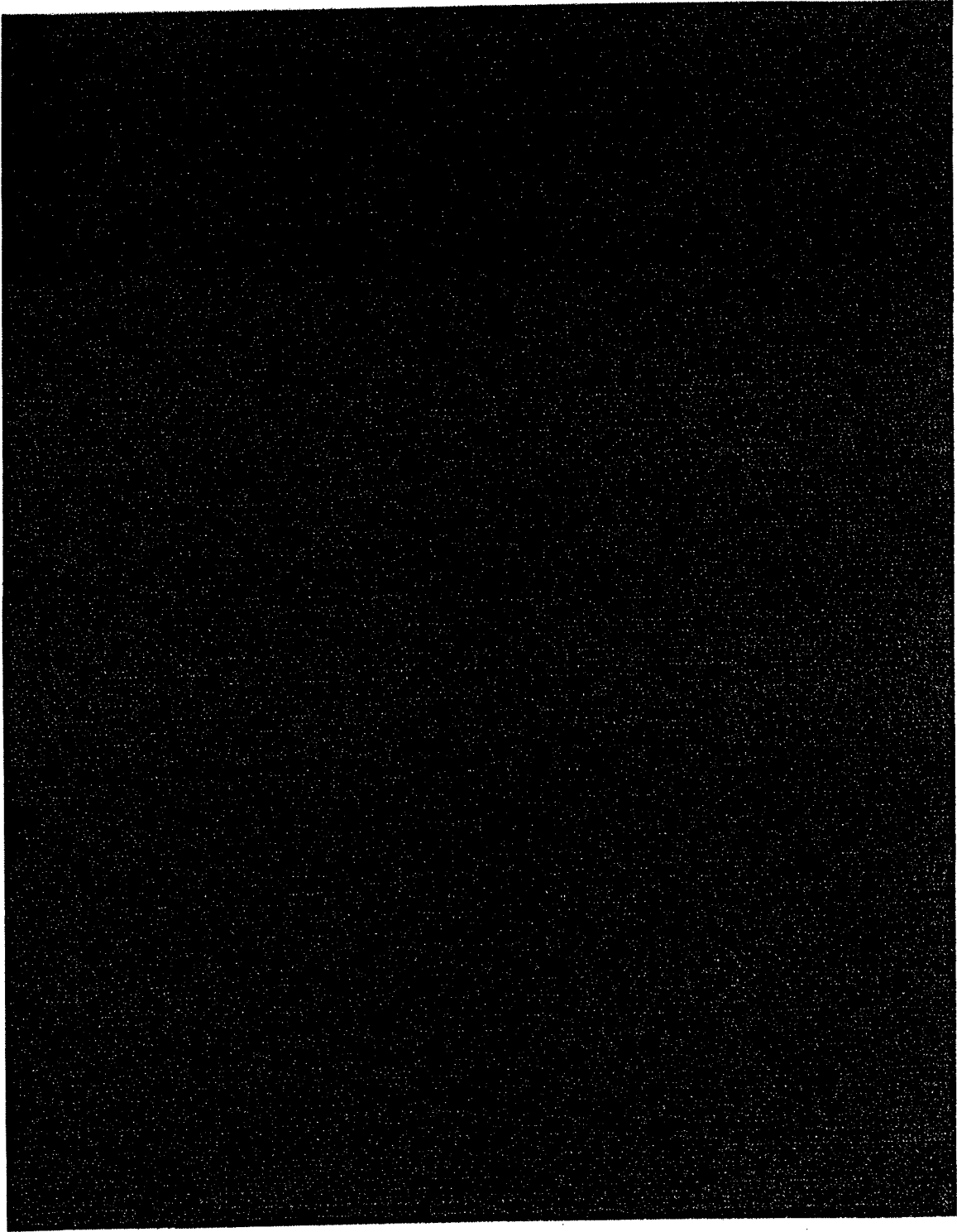
DISCLAIMER

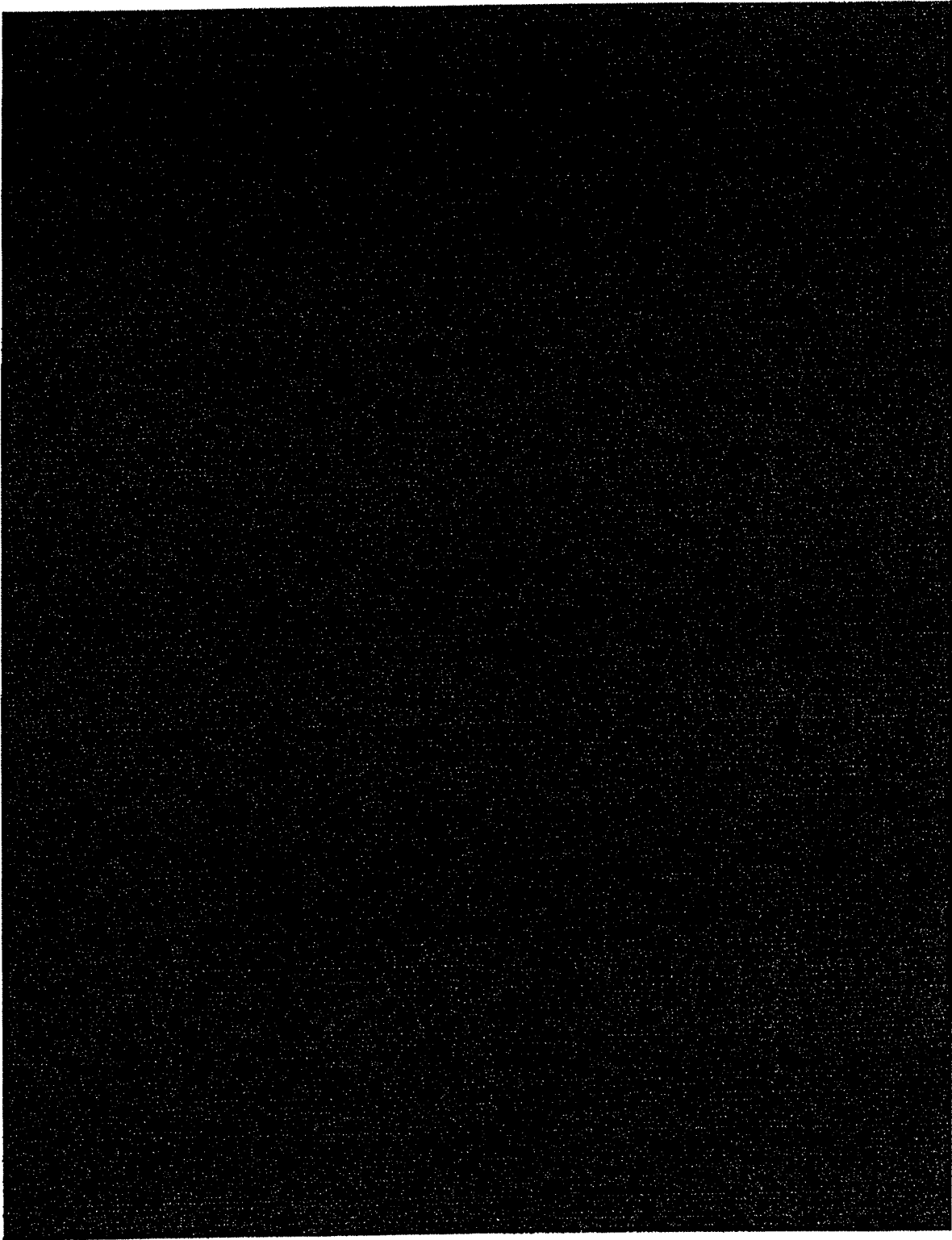
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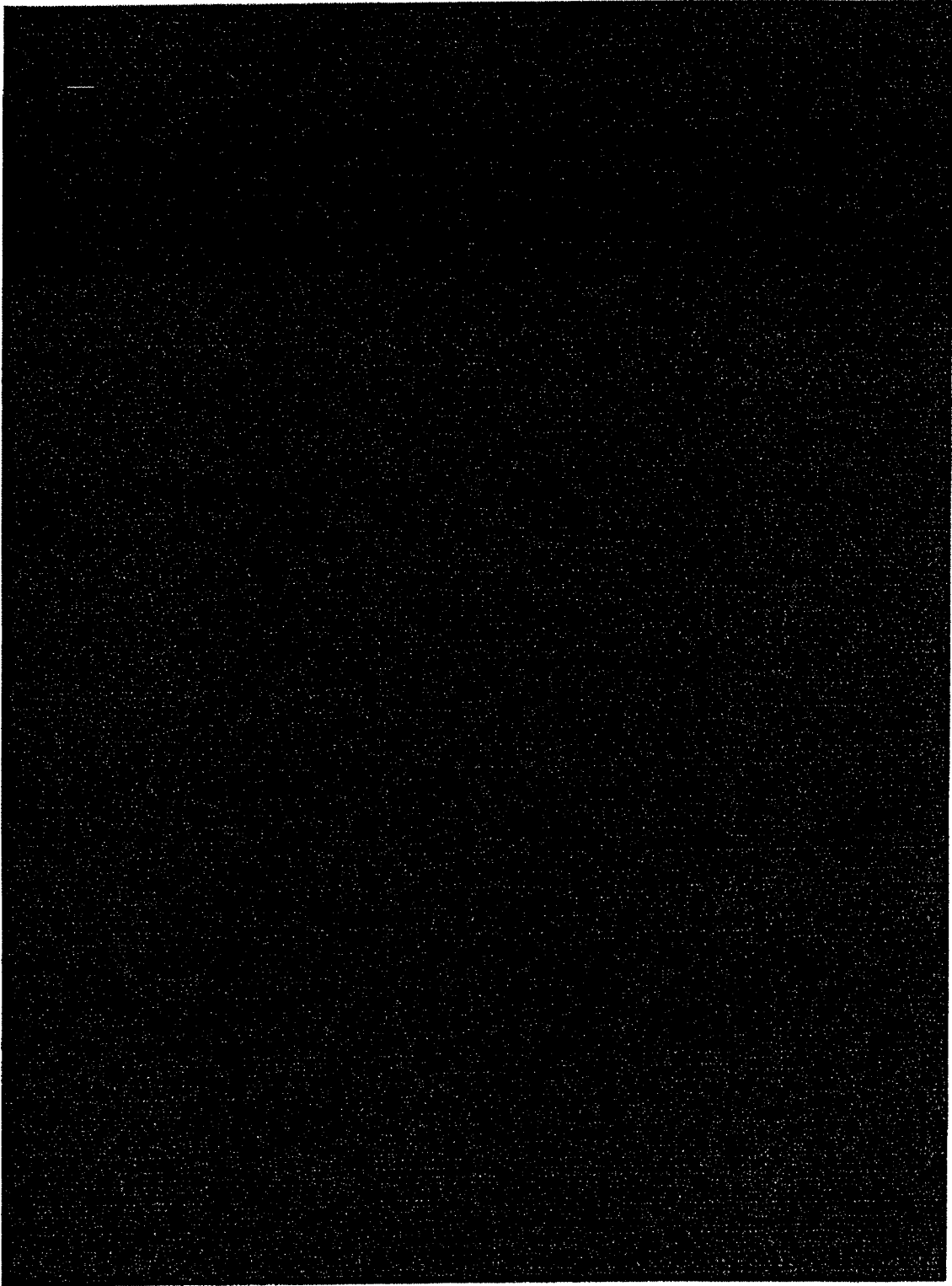
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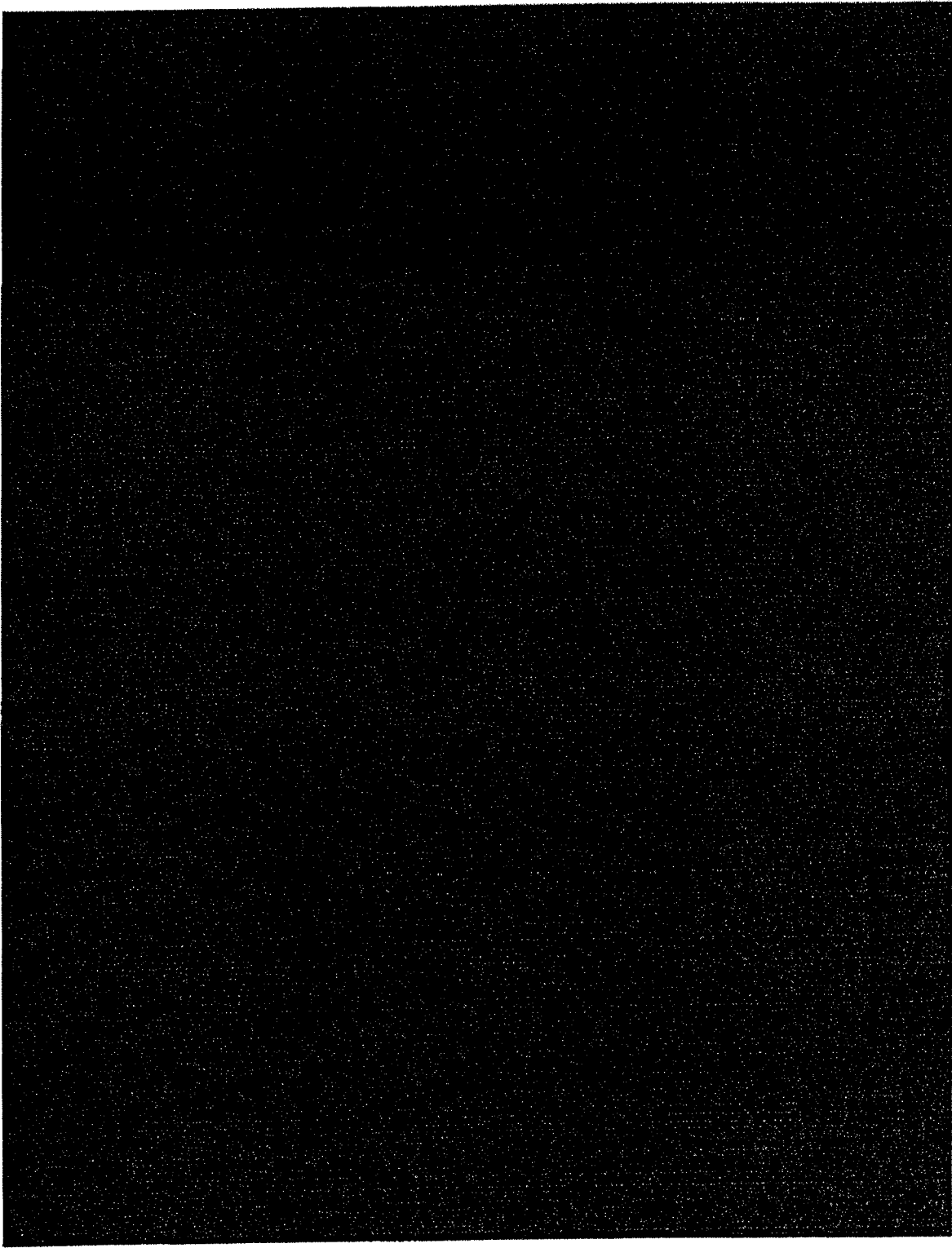


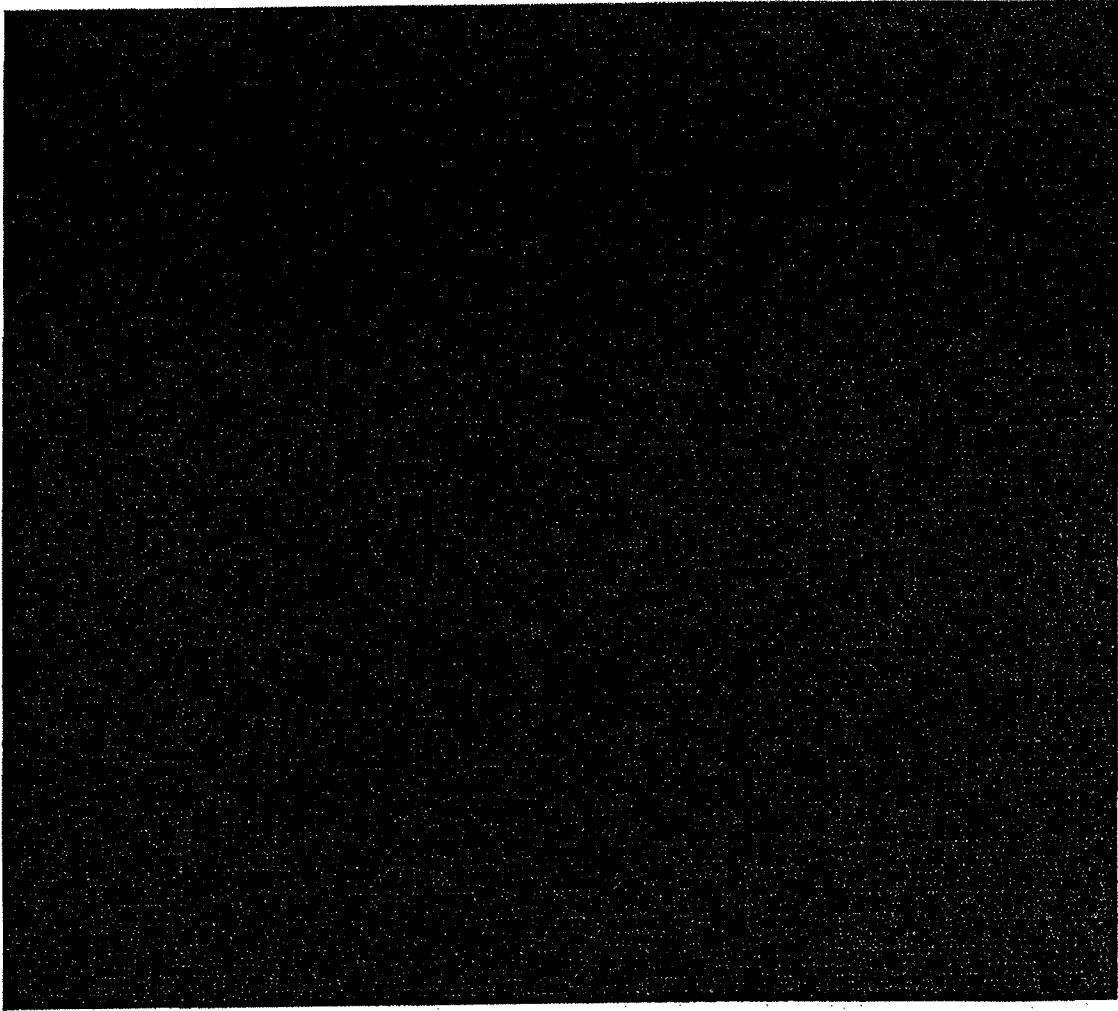












From: Michael Reina <mikereina@jacksontwpnj.net>
Sent: Wednesday, June 11, 2014 10:19 PM
To: James Priolo
Subject: Re: Oros Bais Yaakov High School - Jackson

Thank you.

Sincerely,

Michael Reina

Mayor
Jackson Township
95 West Veterans Highway
Jackson NJ 08527
Office 732-928-1200 ext.1211
Fax 732-928-2613
mikereina@jacksontwpnj.net

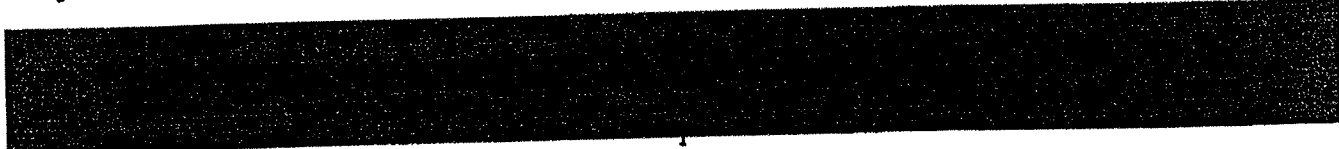
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From: "James Priolo" <jpriolo@maserconsulting.com>
To: "Michael Reina" <mikereina@jacksontwpnj.net>
Sent: Wednesday, June 11, 2014 7:13:30 PM
Subject: FW: Oros Bais Yaakov High School - Jackson

Mike – attached is report I sent to Jean. Jim

James A. Priolo, P.E., P.P., C.M.E., C.P.W.M.
Discipline Leader
Maser Consulting P.A.
C: 732.600.4080 P: 732.383.1950 ext: 3475

From: James Priolo
Sent: Wednesday, May 21, 2014 10:54 AM
To: 'Jean L. Cipriani, Esq.'
Subject: Oros Bais Yaakov High School - Jackson



Jim

James A. Priolo, P.E., P.P., C.M.E., C.P.W.M.
Discipline Leader
Maser Consulting P.A.
C: 732.600.4080 P: 732.383.1950 ext: 3475

From: Susan Bradshaw
Sent: Wednesday, May 21, 2014 10:50 AM
To: James Priolo
Subject: Oros Bals Yaakov High School



Please consider the environment before printing this e-mail.

In a continuing effort to support its strategic growth initiative, Maser Consulting recently opened a new office in Tampa, FL. This latest office will provide new Mobile LiDAR Mapping services while strengthening its Civil and Site services to meet growing commercial development opportunities. Now employing over 450 professionals throughout the East Coast, our award-winning firm has a nationally diversified project portfolio.

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From: Michael Reina <mikereina@jacksontwpnj.net>
Sent: Thursday, June 12, 2014 7:09 AM
To: James Priolo
Subject: Re: Oros Bais Yaakov High School - Jackson

Jim,

I just the read the report, thank you again.

Sincerely,

Michael Reina

Mayor
Jackson Township
95 West Veterans Highway
Jackson NJ 08527
Office 732-928-1200 ext.1211
Fax 732-928-2613
mikereina@jacksontwpnj.net

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From: "James Priolo" <jpriolo@maserconsulting.com>
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Sent: Wednesday, June 11, 2014 7:13:30 PM
Subject: FW: Oros Bais Yaakov High School - Jackson

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Discipline Leader
Maser Consulting P.A.
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From: James Priolo
Sent: Wednesday, May 21, 2014 10:54 AM
To: 'Jean L. Cipriani, Esq.'
Subject: Oros Bais Yaakov High School - Jackson

[REDACTED]

Jim

James A. Priolo, P.E., P.P., C.M.E., C.P.W.M.
Discipline Leader
Maser Consulting P.A.
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Subject: Oros Bals Yaakov High School

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From: James Priolo <jpriolo@maserconsulting.com>
Sent: Thursday, June 12, 2014 7:34 AM
To: Michael Reina
Subject: RE: Oros Bais Yaakov High School - Jackson

No problem – if you need anything else let me know.

James A. Priolo, P.E., P.P., C.M.E., C.P.W.M.
Discipline Leader
Maser Consulting P.A.
C: 732.600.4080 P: 732.383.1950 ext: 3475

From: Michael Reina [mailto:mikereina@jacksontwpnj.net]
Sent: Thursday, June 12, 2014 7:09 AM
To: James Priolo
Subject: Re: Oros Bais Yaakov High School - Jackson

Jim,

I just the read the report, thank you again.

Sincerely,

Michael Reina

Mayor
Jackson Township
95 West Veterans Highway
Jackson NJ 08527
Office 732-928-1200 ext.1211
Fax 732-928-2613
mikereina@jacksontwpnj.net

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From: "James Priolo" <jpriolo@maserconsulting.com>
To: "Michael Reina" <mikereina@jacksontwpnj.net>
Sent: Wednesday, June 11, 2014 7:13:30 PM
Subject: FW: Oros Bais Yaakov High School - Jackson

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Subject: Oros Bals Yaakov High School - Jackson

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From: Helene Schlegel <administrator@jacksontwpnj.net>
Sent: Friday, October 31, 2014 7:30 AM
To: Michael Reina
Subject: Re: Complaint

You are exactly right!

> On Oct 31, 2014, at 7:29 AM, Michael Reina <mikereina@jacksontwpnj.net> wrote:

>



>

> Sincerely,

>

> Michael Reina

>

> Mayor

> Jackson Township

> 95 West Veterans Highway

> Jackson NJ 08527

> Office 732-928-1200 ext.1211

> Fax 732-928-2613

> mikereina@jacksontwpnj.net

>

>

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> to sender and destroy the original transmission and its attachments without reading or saving in any manner.

>

> ----- Original Message -----

> From: "Helene Schlegel" <administrator@jacksontwpnj.net>

> To: "Michael Reina" <mikereina@jacksontwpnj.net>

> Sent: Friday, October 31, 2014 7:26:08 AM

> Subject: Re: Complaint

>

>

>> On Oct 31, 2014, at 7:19 AM, Michael Reina <mikereina@jacksontwpnj.net> wrote:

>> I will be sending more complete correspondence; however, as part of
>> the named entity, I wanted to provide a copy.
>> I copy the Mayor and Township attorney as the Mayor is the
>> administrative head of the municipality, though the Township is not named.

>>

>> Sean

>>

>>

>> ATTENTION

>> The information in this email is confidential and may be legally privileged.

>> It is intended solely for the addressee. Access to this email by

>> anyone else is unauthorized. If you are not the intended recipient,

>> any disclosure, copying, distribution or any action taken or omitted

>> to be taken in reliance on it, is prohibited and may be unlawful.

>> When addressed to our client, any opinion or advice contained in this

>> email are subject to the terms and conditions expressed in the

>> governing Gertner Mandel & Peslak, LLC client engagement letter.

>> Gertner Mandel & Peslak, LLC only provides legal advice after an

>> attorney-client relationship is formed; no such relationship is

>> created by this email. An attorney-client relationship will exist only after a written agreement is signed by the client and the firm.

>> This e-mail (including any attachments) is intended only for the

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>> reader is hereby put on notice that any use, dissemination,

>> distribution or copying of this communication is strictly prohibited.

>> If the reader has received this communication in error, please immediately notify us by telephone at (732) 363-3333

or notify us by E-mail

>> at sgertner@gmplaw.net. Also, please send a hard copy of the E-mail to

>> Sean Gertner, P.O. Box 499, Lakewood, New Jersey 08701. We will

>> reimburse you for all expenses incurred. Thank you.

>> Pursuant to Treasury Department regulations, we are required to

>> advise you that any federal tax advice contained in this message

>> (including any

>> attachments) is not intended or written to be used, and cannot be

>> used, for the purpose of (i) avoiding tax-related penalties under the

>> Internal Revenue Code or applicable state or local tax law provisions

>> or (ii) promoting, marketing or recommending to another party any

>> tax-related matters addressed herein. Thank you.

>>

>>

>>

>> <Complaint - filed 10-15-14.pdf>

>>
>>
>> FYI,
>>
>> Extremely confidential at this time. Kindly print two copies, 1 for Helene and 1 for myself. Please place my copy in a manila envelope on my desk and mark Mayor only "confidential". Thank you.
>>
>> Sincerely,
>>
>> Michael Reina
>>
>> Mayor
>> Jackson Township
>> 95 West Veterans Highway
>> Jackson NJ 08527
>> Office 732-928-1200 ext.1211
>> Fax 732-928-2613
>> mikereina@jacksontwpnj.net
>>
>>
>> CONFIDENTIALITY NOTICE: This electronic message contains information
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>> privileged. If you are not the intended recipient, or a person
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>> to sender and destroy the original transmission and its attachments without reading or saving in any manner.
>>
>> ----- Forwarded Message -----
>> From: "Sean D. Gertner" <sgertner@gmplaw.net>
>> To: "Steve Costanzo" <scostanzo@chubb.com>, "SHELDON HOFSTEIN
>> (SHELDON HOFSTEIN)" <njnormshel@optonline.net>, "John Suttles (John
>> Suttles)" <JSuttles@njtransit.com>, "John" 'Burrows"
>> <john@threebears.com>, "Joseph" 'schulman" <joe@restassured.com>,
>> "peter" 'maher" <pete@maherappraisals.com>, "book jr. , carl"
>> <cbook@optonline.net>, "Kathryn" 'McIlhinney"
>> <kmcilhinney@optonline.net>, "Anthony Marano" <ajm0615@gmail.com>
>> Cc: mikereina@jacksontwpnj.net, "Jean L. Cipriani, Esq."
>> <jlc@gm-law.net>, "Evan" 'Hill" <ehill@Dewberry.com>, "MARK"
>> <MARK.KATARYNIAK@FPAENGINEERS.COM>, "ERNIE" 'PETERS"
>> <Ernie.Peters@rve.com>, "Jeff Purpuro" <jpurpuro@jacksontwpnj.net>,
>> "Janice Kisty" <jkisty@jacksontwpnj.net>
>> Sent: Thursday, October 30, 2014 7:00:41 PM
>> Subject: Complaint
>>
>> Members of the Board:
>> Attached please find a copy of the complaint filed by Oros Bals
>> Yaakov and provided to me by e-mail (I have yet to receive a hard copy).
>> Please note the three counts in the complaint. Please MAKE NO
>> COMMENTS REGARDING PENDING LITIGATION.

OCEAN COUNTY SUPERIOR COURT
OCEAN COUNTY COURTHOUSE
CIVIL LAW DIVISION
TOMS RIVER NJ 08754

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 929-2016
COURT HOURS 8:30 AM - 4:30 PM

DATE: OCTOBER 20, 2014
RE: FW OROS BAIS YAAKOV HIGH SCHOOL VS ZONING JACKSON
DOCKET: OCN L -002981 14

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 4.

DISCOVERY IS PRESUMPTIVELY 450 DAYS BUT MAY BE ENLARGED OR SHORTENED BY THE JUDGE AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE MANAGING JUDGE ASSIGNED IS: HON VINCENT J. GRASSO

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (732) 929-4771 EXT 4771.



IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING. PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE WITH R.4:5A-2.

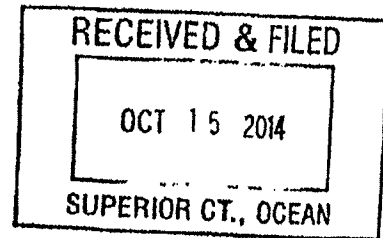
ATTENTION:

ATT: STEVEN I. PFEFFER
LEVIN SHEA PFEFFER
2105 WEST COUNTY LINE ROAD
SUITE 3
JACKSON NJ 08527

JUWH6

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) Use for Initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CO <input type="checkbox"/> CA CHG/CK NO.: AMOUNT: OVERPAYMENT: BATCH NUMBER:
	ATTORNEY / PRO SE NAME Steven Pfeffer, Esquire	TELEPHONE NUMBER (732) 364-7333	COUNTY OF VENUE Ocean <input checked="" type="checkbox"/>
FIRM NAME (if applicable) Levin, Shea & Pfeffer		DOCKET NUMBER (when available) 17-2981-14	
OFFICE ADDRESS 2105 West County Line Road Jackson, NJ 08527		DOCUMENT TYPE Complaint	
		JURY DEMAND <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
NAME OF PARTY (e.g., John Doe, Plaintiff) Oros Bals Yaakov High School, Plaintiff		CAPTION Oros Bals Yaakov High School v. Zoning Board of Jackson Township	
CASE TYPE NUMBER (See reverse side for listing) 701	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input checked="" type="checkbox"/> BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
		OCT 14 2014 SUPERIOR CT OCEAN	
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION:		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:33-7(b).			
ATTORNEY SIGNATURE: <i>Steven Pfeffer</i>			



LEVIN, SHEA & PFEFFER, P.A.
2108 W. COUNTY LINE ROAD, #3
JACKSON, NJ
08527

HERBERT SMITH FREEHILLS NEW YORK LLP
450 LEXINGTON AVENUE
NEW YORK, NY
10017

Attorneys for Plaintiff
Oros Bais Yaakov High School

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: OCEAN COUNTY

DOCKET #: PW 22981-14

OROS BAIS YAAKOV HIGH SCHOOL,

Plaintiff,

Civil Action

v.

THE ZONING BOARD OF
ADJUSTMENT FOR THE TOWNSHIP
OF JACKSON,

Defendant.

COMPLAINT

(In Lieu of Prerogative Writs)

Plaintiff, Oros Bais Yaakov High School, an Orthodox Jewish girls' high school located at 50 Lapsley Lane, Lakewood, New Jersey, by way of Complaint in lieu of prerogative writs against defendant The Zoning-Board of Adjustment for the Township of Jackson says:

FACTUAL ALLEGATIONS

Background

1. Plaintiff, Oros Bais Yaakov High School (the "Plaintiff" or "High School") is an

Orthodox Jewish girls' high school whose administrative offices are located at 50 Lapsley Lane, Lakewood, New Jersey.

2. Plaintiff is the contract purchaser of 38 Cross Street, an approximately 7.5 acre parcel identified as Block 21401, Lot 6, Jackson Township, New Jersey (the "Property").
3. The High School is currently run from a site in Lakewood Township. Approximately 220 girls attend the school at present.
4. Defendant, the Zoning Board of Adjustment for the Township of Jackson (the "Board") is a municipal agency organized pursuant to N.J.S.A. 40:55D-69 with its principal place of business at 95 West Veterans Highway, in the Township of Jackson, in the State of New Jersey.
5. Plaintiff submitted an application to the Board for a use variance pursuant to N.J.S.A. 40:55D-70(d)(1) to allow it to construct a new high school building and relocate to the Property. The Plaintiff also sought a design waiver for the proposed number of parking spaces at the Property (together, the "Application").
6. The Property is approximately 7.5 acres in size and is situated within Jackson Township's Residential (R-1) Zone (the "R-1 Zone").
7. Permitted conditional uses in the R-1 Zone include child-care centers, nursery schools, day-care centers, churches and other places of worship. While numerous schools have been built in the R-1 Zone, schools are not listed as permitted or conditional uses of property in the R-1 Zone.
8. Additionally, under § 244-197(N)(1) of the Code of the Township of Jackson (the "Code"), the required number of parking spaces for a high school is "1 for each 3 students based on design capacity". For a student population of 400 this equates to 134

spaces. Due to the uncontroverted evidence before the Board that no students would be allowed to drive to school and all students would be required to travel to school by bus, the Plaintiff sought a design waiver under N.J.S.A. 40:55D-51(b) to provide fewer parking spaces than required.

The Application

9. On August 16, 2013, Plaintiff submitted its Application to the Board following which a series of public hearings were held.
10. A total of five public hearings were held in front of the Board: on October 2, 2013, November 20, 2013, February 5, 2014, April 2, 2014 and June 18, 2014 (the "Hearings").
11. The Plaintiff proposed to relocate its girls' high school onto the Property, on which it sought to build a two-story building of approximately 35,000 square feet which would cover less than six percent of the Property.
12. Over the course of the Hearings the Plaintiff's witnesses gave extensive testimony as to the mechanics of its proposal, the inherent benefits of the High School, and the steps that had been taken to obviate any potential detriment to the surrounding community.
13. Rabbi Ephraim Birnbaum, the High School's principal, testified on numerous occasions that no more than four hundred girls would attend the High School and that such a cap on enrollment could be made a condition of the Board's approval.
14. The majority of the teachers currently working at the High School are accredited by the State of New Jersey.
15. Rabbi Birnbaum testified that there would be no more than 27 members of staff working on-site at the High School and that such a cap on staff could be made a

condition of the Board's approval.

16. Rabbi Birnbaum gave detailed testimony as to the achievements of previous High School graduates. Ninety-seven percent of students from the High School have gone on to higher education and the graduation rate for the High School's last graduating class was 100%, 51 out of 51 students.
17. Students at the High School study subjects that allow them to go into a range of professional fields including medicine, law, business administration, accounting, and therapy. In doing so they benefit not only the local community of Jackson, but more broadly Ocean County, the state of New Jersey, and the United States of America.
18. Rabbi Birnbaum provided uncontested evidence that even students who are of an age where they can obtain a drivers' license would not be permitted to drive to school as doing so would violate the school's rules.
19. All students would be required to arrive to school by bus, the provision of which is guaranteed by state law.
20. The Plaintiff's planning expert, Mr. Ian Borden, gave testimony as to the High School's day-to-day operations. The High School would be open from 8:30am to 5:00pm, Monday to Friday, and the lighting within the parking area would be turned off from 8:00pm. The school year would run from September until June.
21. The Property would not be used for any catering events, music concerts, art shows or similar activities. The only additional event to be held on the Property would be parent-teacher conferences which would occur no more than twice each year and would be scheduled over a four-hour time period to stagger the arrival and exit of

attendees. Furthermore, outside of the school year there would be no events, summer camps or activities of any kind.

22. Mr. Borden also testified as to the capacity and sufficiency of the proposed septic system to be used on the Property. This would consist of three 1,500 gallon septic tanks, a pressure-dosing system, a 3,200 square foot disposal bed and a MicroFAST water treatment system.
23. The system is based on an estimate that the High School would produce 4,250 gallons of effluent per day. This conservative figure is derived from and complies with DEP regulations. The size of the Property – approximately 7.5 acres – is much larger than the R-1 requirements for a septic system of the type proposed.
24. The record before the Board was clear that any septic system to be used on the Property would have to comply with DEP regulations and be granted an NJPDES permit. The evidence also established that many other sites in Jackson (including several schools) use septic systems that require NJPDES permits. There was also uncontested evidence that there are 18 NJPDES permits in Jackson for sites with larger septic systems than that proposed by the Plaintiff, many of which are adjacent to the R-1 Zone.
25. As regards to maintaining the integrity of its neighbors' water supply, Plaintiff adduced evidence that it would drill down to 500 feet into the next confined aquifer.
26. The Plaintiff's proposal also included plans to enhance the runoff from the Property so that the post-development runoff would release only 2.6 cubic feet per second, rather than 10 cubic feet per second as exists presently.

27. As regards the provision of parking at the Property, on multiple occasions counsel for the Plaintiff outlined the three options that had been put before the Board:

- a. The first option was to grant the Plaintiff a design waiver to reduce the number of spaces required to 81. In light of the fact that none of the students would be permitted to drive to school, the Plaintiff likened its position to that of an elementary school. Accordingly, the Plaintiff originally sought a waiver to include 51 spaces, in line with the Code requirements for elementary schools. However, this was later voluntarily increased to 81 spaces.
- b. The second option was to have the Plaintiff landbank the remaining 53 spaces as would be required by the Code.
- c. Finally, the third option was to refuse to grant a design waiver and require the Plaintiff to provide all 134 spaces.

28. Despite repeated invitations to do so, the Board failed to state which option it preferred.

29. The Plaintiff's traffic expert, Mr. John Rea, testified that the Property's driveway exiting out onto Cross Street would operate at an acceptable "C" Level of Service, well within accepted traffic engineering parameters.

30. The evidence before the Board further established that the High School's proposed internal circulation was designed in accordance with proper traffic engineering principles. Mr. Rea confirmed that the design provided more than adequate stacking for buses. In addition, the Property's turning radius was designed so as to sufficiently accommodate any emergency vehicles.

31. The evidence before the Board also established that the Property is especially well-suited for the High School because it is located on a county road in close proximity to where a majority of the students come from.

32. In sum, information, fact, and expert testimony in favor of the Application were presented by the High School before the Board justifying the approval of the Application.

Positive Criteria

33. As outlined above, the Plaintiff adduced detailed evidence as to the High School's teaching provisions, its operations and the achievements of its students. The record evidence established that the Plaintiff's proposal presumptively satisfied the Positive Criteria, since a parochial school is recognized as being an inherently beneficial use.

Negative Criteria

34. As for the negative criteria, Plaintiff first established that under § 244-47(C) of the Code conditional uses permitted in the R-1 Zone include child-care centers, nursery schools, day-care centers and places of worship.

35. The evidence before the Board established that the Plaintiff's proposed school is not a significant deviation from these types of use, particularly in light of the fact that none of the students are permitted to drive to school.

36. Plaintiff also established that multiple schools exist in the R-1 Zone and that the presence of multiple schools in the R-1 Zone has neither caused substantial detriment to the public good nor substantially impaired the intent and purpose of the zone plan and zoning ordinance.

37. Within Jackson Township there are several other schools that have been constructed in the R-1 Zone. Two of the most recently developed public schools are the Elms Elementary School located on Goetz Lane and Jackson Liberty High School located on North Hope Chapel Road. Elms Elementary was completed in 2004 and houses over 830 students and 55 full-time teaching staff, while Liberty High was completed in 2007 and has approximately 1,400 students and 90 full-time teaching staff.
38. Similarly there are two Christian private schools in the R-1 Zone, St Aloysius on Aldrich Road and Jesus Harvest Time Academy on Freehold Road, both of which were granted significant zoning relief to build in the R-1 Zone.
39. By law, the Plaintiff would be required to ensure a fifty foot buffer between the school and the rear property line, the Galassi Court neighborhood. To further mitigate any potential impact on the surrounding properties the Plaintiff proposed to extend this buffer to four hundred feet, and to supplement the buffer with additional evergreen trees and landscaping.
40. The Plaintiff's architect, Ms. Catherine Flores, supplied expert evidence as to the ways in which the proposal was designed to take into consideration the surrounding residential dwellings, including by setting the building far back from the street and any of the residences, and orienting the building so that the side yards are much larger than would be required by law.
41. To reduce the Board's concerns about the impact of the High School on local traffic, the Plaintiff proposed that any variance granted be made subject to the following conditions:
- a. Capping enrolment at four-hundred students;

- b. Placing a cap on the number of staff permitted on site; and
 - c. Requiring students to come to school by government-provided bussing.
42. On the basis of these conditions the Board's traffic engineer concluded that the Plaintiff had provided measures to promote and provide traffic safety.
43. Indeed, the Board's planning expert observed that these conditions could alleviate the Board's concerns and recognized that these conditions could in fact be policed by code enforcement officials.
44. To further mitigate any negative impacts of the proposed high school, the Plaintiff also agreed to widen the part of Cross Street leading onto the Property, in accordance with Ocean County standards for county roads.
45. Plaintiff also established that, at present, the Property is in a dilapidated condition. An expert assessment highlighted numerous issues with the existing state of the Property, including, but not limited to, possible underground tanks, possible abandoned septic systems and abandoned buildings. Plaintiff observed that it should be required to remediate these problems as a condition of any approval.

The Board's Deliberations and Resolution

46. The Board denied the requested use variance relief and parking design waiver. In declaring its decision in the Resolution, the Board incorrectly referred to the relief requested in relation to parking as a variance, rather than a design waiver.

Positive Criteria

47. The Board refused to conclusively determine that the High School would constitute an inherently beneficial use, and therefore whether it satisfied the Positive Criteria.

48. First, the Board erroneously determined that it had discretion to determine whether a parochial school was indeed an inherently beneficial use, and that this conclusion was bolstered by the fact that there is no definition of "school" in the Municipal Land Use Law ("MLUL").
49. The Board's Resolution observes that "[t]he Board questioned the extent to which, though a private, not-for-profit educational institution, it [the High School] would be open to the public and be available for general public benefit."
50. Furthermore the Board found that because the High School was "not a school any of us are familiar with" – for example, in that it did not have traditional science laboratories, locker rooms or communal showers – it was not a "school" as that term is understood by the MLUL.
51. Notwithstanding the uncontroverted testimony that the High School's students go onto careers in fields including medicine, law and accounting, Board member John Suttles – evidencing the Board's anti-ultra-Orthodox sentiments – concluded that "the environment that is described would probably be achieved if we let four hundred girl scouts in the building, only they won't have to sell cookies".
52. The Board also considered that because the ultra-Orthodox Jewish members of the Lakewood community do not "assimilate" to the Board's perception of cultural norms, a school intended for students of that community could not therefore be inherently beneficial to the broader community.
53. During deliberations, Board Member Joseph Schulman stated the following:
- "I'd like to make a remark that I think may help to clarify in the Board members' minds the question of beneficial use to the community, and that is this: That this is

a school, obviously – I am not saying anything that hasn't been stated before – that is a private school and is exclusively for the use of the Orthodox community; there will be no other children of other religions admitted to that school without being able to pass a strict religious component, as the rabbi has said himself during testimony.

And I want to relate something that I experienced during my time living in Lakewood, which was my whole life before I moved to Jackson. I attended a meeting at the municipal courtroom in Lakewood during which the titular head of the Orthodox community in Lakewood, Rabbi Schenkolewski, stated several times that "the Orthodox community will never assimilate; therefore, they stand alone."

And in a question of inherent beneficial use, it seems to me that the applicant is asking us to recognize the regional aspect while at the same time trying to prove that it's an inherently beneficial use to the whole community, while it's not for the whole community, for lack of a better way to put it....

That's where I see the conflict in the argument with beneficial use, whether it is a benefit to the community of Jackson for that reason, and I think that the community of Jackson can not [sic] expect the Orthodox residents in Jackson to assimilate into the Jackson community as a whole in the same way that they will not do so in Lakewood.

So I believe that there is a parallel, there is a history there, and there is a demonstrated way of doing things that stands in opposition to the notion of inherently beneficial to the entire community. And I hope that helps the Board."

Negative Criteria

54. The Board found that granting the variance would result in substantial detriment to the public good and substantial impairment of the zone plan and zoning ordinance because:

- a. It was "concerned" about the increase in effluent that would be generated by the school relative to other permitted uses in the R-1 Zone;
- b. Despite the existence of several Jackson schools which utilize septic systems, granting this variance would purportedly contravene neighboring Lakewood Township's alleged 'zero tolerance' policy against schools being serviced by septic systems;
- c. It was concerned about the traffic generated by the High School if it could not reasonably enforce the conditions to which the Plaintiff was willing to be bound;
- d. Allowing the High School to relocate to the Property would purportedly contravene neighboring Lakewood Township's desire to reduce bus traffic on the roads;
- e. A school is inconsistent with the rural nature of the R-1 Zone; and
- f. Building a school on the Property would purportedly result in urban sprawl because the High School is purportedly not in close proximity to the population being served.

CAUSES OF ACTION

FIRST COUNT

(THE BOARD'S DECISION ON THE APPLICATION WAS ARBITRARY, CAPRICIOUS AND UNREASONABLE)

55. The High School repeats and realleges paragraphs 1 through 54 as if fully set forth

herein.

56. With regard to the Board's denial of the High School's Application, the Board's decision was arbitrary, capricious and/or unreasonable.

Positive Criteria

57. As for the Positive Criteria, the Board erroneously determined that it had discretion to determine whether a parochial school was an inherently beneficial use when that question has been determined by case law and enshrined in the MLUL which states that schools (whether public or private) are inherently beneficial uses.
58. In finding that the High School was not presumptively an inherently beneficial use, the Board made a fundamental error of law rendering its decision arbitrary, capricious and unreasonable.

Negative Criteria

59. As for the Negative Criteria, the Plaintiff established through competent and credible fact and expert evidence that granting the variance would not result in substantial detriment to the public good and would not impair the intent and purpose of the Code or the Jackson Master Plan.
60. As detailed above, several schools are already located in the R-1 Zone. Nevertheless they function well, make positive contributions to the community and have caused no substantial detriment to the surrounding property or the Jackson Master Plan simply by virtue of their location in the R-1 Zone.
61. Moreover, conditional uses permitted in the R-1 Zone under the Code include childcare centers, nurseries and houses of worship. A high school whose students are

not permitted to drive to school does not represent a significant departure from these types of establishment.

62. The Plaintiff took numerous steps to mitigate the impact of the High School on the surrounding neighborhood including but not limited to:

- a. Volunteering to accept approval on the condition that:
 - i. No more than 400 students would be permitted to attend the High School;
 - ii. The High School would remain closed from July to September; and
 - iii. All students would be required to take the bus to school and not permitted to drive to school (which is the Plaintiff's strictly-enforced policy in any event).
- b. Setting the High School four hundred feet back from the Galassi Court rear property line to minimize disturbance to the neighboring properties, far in excess of the fifty foot buffer that is required;
- c. Orienting the building so that the side yards are much larger than would be required by law to keep the design in line with the character of surrounding properties;
- d. Offering to include a water treatment system although not required by the Ocean County Health Department;
- e. Voluntarily opting to drill down 500 feet – rather than 80-125 feet - into the next confined aquifer to eliminate concerns about drawdown from the school's well to the surrounding property owners;
- f. Adding a six-foot solid fence along the property line;
- g. Decreasing the height and area of the proposed school sign;

h. Agreeing to provide curbing, pedestrian access and landscaping for the driveway; and

i. Offering the Board three options as to how many parking spaces would be required on the Property including providing the number required by the Code.

63. The Plaintiff's planner testified that the site plan was designed to respect the bulk standards of the neighborhood and incorporates residential design elements, honoring the developmental pattern of the neighborhood. Consequently, the proposal makes a conscious effort to protect the character of the established neighborhoods.

64. Thus, the Board's denial insofar as it was predicated on a finding that a school is incompatible with the rural nature of the R-1 Zone was arbitrary, capricious and unreasonable.

65. The evidence established that the proposed septic system would be more than capable of dealing with the High School's waste water output, as demonstrated by testimony from the Plaintiff's expert.

66. The Plaintiff would be one of a number of schools in Jackson Township serviced by a septic system and the size of the Property is much larger than required for a septic system of the type proposed.

67. Most significantly the proposed septic system, which was designed in compliance with DEP regulations, would require an NJPDES permit.

68. The fact that the Plaintiff's septic system was designed to conform to DEP standards and required an NJPDES permit should have precluded any finding that the proposed wastewater disposal system would result in substantial detriment to the public good. The Board's denial of the requested relief in relation to its "significant concern over the

increase in effluence" was erroneous and thus, arbitrary, capricious and unreasonable as well.

69. Additionally, given that the proposed septic system was designed to DEP standards and required an NJPDES permit, the Board's reliance on the purported 'zero tolerance' policy towards schools on septic systems in neighboring Lakewood Township was arbitrary, capricious and unreasonable as well.

70. To mitigate any traffic concerns the Plaintiff offered to make approval of the variance subject to three conditions: capping the number of students, capping the number of staff, and requiring the students to come to school by bus. The Board's planner recognized during deliberations that an infraction of such conditions could be dealt with by a code enforcement official.

71. In its Resolution however, the Board noted its concern that these conditions could not be reasonably enforced. The Board's denial of the requested relief on the basis of its unspecified concerns regarding the enforceability of the conditions proffered by the Plaintiff was arbitrary, capricious and unreasonable.

72. As the Plaintiff's traffic expert testified, provided that the conditions are put in place, the Property's driveway exiting out into Cross Street would operate at an acceptable "C" Level of Service. This uncontested evidence undermined the Board's concerns about increased traffic that the High School would generate. The Board's denial, insofar as it was predicated on unspecified traffic concerns, was arbitrary, capricious and unreasonable.

73. The High School is located approximately three hundred feet from the Lakewood Township border. Given its close proximity to Lakewood, where the majority of its

students would come from, the Board's concerns about "urban sprawl" are clearly unfounded, and the Board's denial of the requested relief on that basis was arbitrary, capricious and unreasonable as well.

74. Building the High School would further the public good and the purpose of the MLUL would be advanced by a deviation from the Code in that it facilitates the establishment of a school – which necessarily promotes public morals and general welfare.

The Balancing Test

75. In refusing to conclusively accept that the High School was an inherently beneficial use and therefore satisfied the Positive Criteria, the Board failed to engage in the balancing test mandated by law, and that too was arbitrary, capricious and unreasonable.
76. The fourth step in the *Sica* test requires the Board to weigh the Positive Criteria against the Negative Criteria in order to determine whether, on balance, the grant of the use variance would cause substantial detriment to the public good. Self-evidently, in order to do this the Board must first establish not only whether both the Positive Criteria and Negative Criteria have been satisfied, but the underlying strength of the Plaintiff's case for each.
77. Applying this, the potential detrimental effects of the High School on the surrounding area – all of which could be mitigated through conditions of approval in any event – were required to be assessed relative to the public interest served by the High School. In refusing to acknowledge that the Plaintiff had satisfied the Positive Criteria, it was impossible for the Board to fairly conduct the necessary balancing. That too was arbitrary, capricious and unreasonable.

Parking Design Waiver

78. The Board also erred in its decision to deny the design waiver for the parking requirements. Given that none of the students would be permitted to drive to school and all students would be required to come to school by bus, there would clearly be no benefit in requiring the Plaintiff to provide all 134 spaces. Denial of the design waiver was arbitrary, capricious and unreasonable as well.

WHEREFORE, Plaintiff Oros Bais Yaakov High School demands judgment in its favor and against the Board as follows:

- i. The Board's denial of the High School's Application be declared in violation of the MLUL, and therefore, null and void and of no effect;
- ii. The Board's denial was arbitrary, capricious and/or unreasonable, and therefore, be reversed; and
- iii. Awarding the High School such other relief as this Court deems equitable and just.

SECOND COUNT

RLUIPA – "Discrimination and Exclusion – Equal Terms"

42 U.S.C § 2000CC-(b)(1)

(The Board's Decision to Deny Plaintiff's Request to Develop a Parochial School in the R-1 Zone But to Permit Development of Secular Schools in the R-1 Zone Violates the Equal Terms Clause)

79. The Plaintiff repeats and realleges paragraphs 1 through 78 as if fully set forth herein.

— 80. RLUIPA's "equal-terms" provision provides that, "No government shall impose or —
implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution."

81. As outlined above, two of the most recent public schools constructed in Jackson Township, Elms Elementary and Liberty High, both impose a significantly more

intense use of land than the Plaintiff's proposed facility. Both schools were built in the R-1 Zone.

82. A claim under RLUIPA's "equal terms" provision consists of four elements: (1) the plaintiff must be a religious assembly or institution, (2) subject to a land use regulation, that (3) on its face or as applied treats the religious assembly on less than equal terms, with (4) a nonreligious assembly or institution.

83. Satisfying these requirements in the present case: the Plaintiff is an Orthodox Jewish institution, subject to the MLUL and the Code, under which it has been treated on less than equal terms with at least two secular public schools, Elms Elementary and Liberty High.

84. As outlined above, despite established case law and statute determining that schools are an inherently beneficial use and that no distinction can be made between public and parochial schools in this respect, the Board repeatedly refused to acknowledge that the High School was an inherently beneficial use.

85. The discriminatory views held by members of the Board were evidenced in a number of comments made during the Hearings.

86. Notably, during deliberations, Board member Joseph Schulman provided a remark that he believed "may help to clarify in the Board members' minds the question of beneficial use to the community". He alleged that "the community of Jackson can not [sic] expect the Orthodox residents in Jackson to assimilate into the Jackson community as a whole in the same way that they will not do so in Lakewood... there is history there, and there is a demonstrated way of doing things that stands in opposition to the notion of inherently beneficial to the entire community."

87. Further to this, another Board member, John Suttles, later stated that one of his reasons for denying the Application was that "nobody has actually proved to me that this is a school for anything. The environment that is described would probably be achieved if we let four hundred girl scouts in the building, only they wouldn't have to sell cookies."

88. Based on the treatment afforded to Elms Elementary and Liberty High public schools, the refusal to recognize the High School as an inherently beneficial use, the animus shown towards Lakewood's Orthodox Jewish community at the Hearings and the ultimate denial of the requested relief sought by the Plaintiff, it is submitted that in refusing the Application, the Board applied the Code and the MLUL in an unequal and consequently unlawful manner.

WHEREFORE, Plaintiff demands a judgment be entered in its favor against the Township:

- (i) enjoining further enforcement of the provisions of the Code and the MLUL in an unequal fashion;
- (ii) invalidating the Resolution on the grounds that it is premised on the unlawful application of provisions of the Code and the MLUL;
- (iii) awarding the Plaintiff its attorney's fees and costs; and
- (iv) all such other relief that this Court deems proper.

Third Count
RLUIPA - "Discrimination and Exclusion – Nondiscrimination"
42 U.S.C. § 2000cc-(b)(2)

(The Board's Unequal Treatment of the Plaintiff's Ultra-Orthodox Jewish School Compared with Christian and Public Schools Developed in the R-1 Zone Violates RLUIPA's "Nondiscrimination" Provision and, as a result, the Resolution Must Be Invalidated)

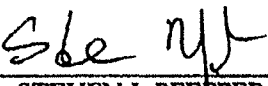
89. The Plaintiff repeats and realleges paragraphs 1 through 88 as if fully set forth herein.
90. RLUIPA's "nondiscrimination" provision provides that "No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination."
91. There are two Christian private schools located in Jackson: St. Aloysius located on Aldrich Road and Jesus Harvest Time Academy located on Freehold Road. Both of these schools were built in the R-1 Zone (or its equivalent at the time) and both were granted significant zoning relief by the Board to allow this.
92. St Aloysius opened in 1994 and now contains 300 students in grades kindergarten through 8.
93. The Jesus Harvest Time Academy contains kindergarten through 12th grade and was constructed circa 1990.
94. The Board's denial of the Application is in contrast to its previous decisions to give precisely the same type of relief requested by the Plaintiff to multiple Christian schools and other, larger nonreligious schools. This fact, coupled with the anti-ultra-Orthodox sentiment evidenced during the Hearings underscores the Board's discriminatory treatment of Plaintiff's Application.

WHEREFORE, Plaintiff demands a judgment be entered in its favor against the Township:

- (i) enjoining further enforcement of the provisions of the Code and the MLUL in an unequal fashion;
- (ii) invalidating the Resolution on the grounds that it is premised on the unlawful application of provisions of the Code and the MLUL;
- (iii) awarding the Plaintiff its attorney's fees and costs; and
- (iv) all such other relief that this Court deems proper.

LEVIN, SHEA & PFEFFER, P.A.
Attorneys for Plaintiff
Oros Bais Yaakov High School

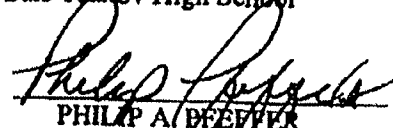
By:


STEVEN I. PFEFFER
A Member of the Firm

Dated: October 14, 2014

HERBERT SMITH FREEHILLS NEW
YORK, LLP
Attorneys for Plaintiff
Oros Bais Yaakov High School

By:


PHILIP A. PFEFFER
A Member of the Firm

Dated: October 14, 2014

DESIGNATION OF TRIAL COUNSEL

In the event that this matter requires a plenary hearing or trial before the Court, the Plaintiff, pursuant to *R. 4:5-1(c)*, hereby designates Steven I. Pfeffer of Levin Shea & Pfeffer, P.A., as its counsel for the purposes of said hearing or trial.

LEVIN, SHEA & PFEFFER, P.A.
Attorneys for Plaintiff
Oros Bais Yaakov High School

By: 

STEVEN I. PFEFFER
A Member of the Firm

Dated: October 14, 2014

HERBERT SMITH FREEHILLS NEW
YORK, LLP
Attorneys for Plaintiff
Oros Bais Yaakov High School

By: 

PHILIP A. PFEFFER
A Member of the Firm

Dated: October 14, 2014

R. 4:5-1 CERTIFICATION

I hereby certify pursuant to R. 4:5-1 that this matter is not the subject of any other action pending in any court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated. I further certify that I am unaware of any non-party who should be joined in this action pursuant to R. 4:28 or who is subject to joinder pursuant to R. 4:29-1(b) because of potential liability to any party based on the same transactional facts.



Steven I. Pfeffer

DATED: October 14, 2014

R. 4:69-4 CERTIFICATION

I hereby certify pursuant to *R. 4:69-4* that copies of the transcripts of the Board hearings were ordered by the High School and all of the transcripts will be provided to the Court and to counsel for the Board after the initial conference in this matter, or as otherwise directed by the Court.



Steven I. Pfeffer

DATED: October 14, 2014

From: Samantha Novak <snovak@jacksontwpnj.net>
Sent: Friday, October 31, 2014 7:32 AM
To: Michael Reina
Cc: Helene Schlegel
Subject: Re: Complaint

Ok.

> On Oct 31, 2014, at 7:19 AM, Michael Reina <mikereina@jacksontwpnj.net> wrote:

>

>

> FYI,

>

> Extremely confidential at this time. Kindly print two copies, 1 for Helene and 1 for myself. Please place my copy in a manila envelope on my desk and mark Mayor only "confidential". Thank you.

>

> Sincerely,

>

> Michael Reina

>

> Mayor

> Jackson Township

> 95 West Veterans Highway

> Jackson NJ 08527

> Office 732-928-1200 ext.1211

> Fax 732-928-2613

> mikereina@jacksontwpnj.net

>

>

> CONFIDENTIALITY NOTICE: This electronic message contains information

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> ----- Forwarded Message -----

> From: "Sean D. Gertner" <sgertner@gmplaw.net>

> To: "Steve Costanzo" <scostanzo@chubb.com>, "SHELDON HOFSTEIN (SHELDON

> HOFSTEIN)" <njnormshel@optonline.net>, "John Suttles (John Suttles"

> <JSuttles@njtransit.com>, "John' 'Burrows" <john@threebears.com>,

> "Joseph' 'schulman" <joe@restassured.com>, "peter' 'maher"

> <pete@maherappraisals.com>, "book jr. , carl" <cbook@optonline.net>,

> "Kathryn' 'McIlhinney" <kmcilhinney@optonline.net>, "Anthony Marano"
 > <ajm0615@gmail.com>
 > Cc: mikereina@jacksontwpnj.net, "Jean L. Cipriani, Esq."
 > <jlc@gm-law.net>, "Evan' 'Hill" <ehill@Dewberry.com>, "MARK"
 > <MARK.KATARYNIAK@FPAENGINEERS.COM>, "ERNIE' 'PETERS"
 > <Ernie.Peters@rve.com>, "Jeff Purpuro" <jpurpuro@jacksontwpnj.net>,
 > "Janice Kisty" <jkisty@jacksontwpnj.net>
 > Sent: Thursday, October 30, 2014 7:00:41 PM
 > Subject: Complaint

>
 > Members of the Board:
 > Attached please find a copy of the complaint filed by Oros Bais Yaakov
 > and provided to me by e-mail (I have yet to receive a hard copy).
 > Please note the three counts in the complaint. Please MAKE NO
 > COMMENTS REGARDING PENDING LITIGATION.
 > I will be sending more complete correspondence; however, as part of
 > the named entity, I wanted to provide a copy.
 > I copy the Mayor and Township attorney as the Mayor is the
 > administrative head of the municipality, though the Township is not named.

> Sean

> ATTENTION

> The information in this email is confidential and may be legally privileged.
 > It is intended solely for the addressee. Access to this email by
 > anyone else is unauthorized. If you are not the intended recipient,
 > any disclosure, copying, distribution or any action taken or omitted
 > to be taken in reliance on it, is prohibited and may be unlawful. When
 > addressed to our client, any opinion or advice contained in this email
 > are subject to the terms and conditions expressed in the governing
 > Gertner Mandel & Peslak, LLC client engagement letter. Gertner Mandel
 > & Peslak, LLC only provides legal advice after an attorney-client
 > relationship is formed; no such relationship is created by this email.
 > An attorney-client relationship will exist only after a written agreement is signed by the client and the firm.
 > This e-mail (including any attachments) is intended only for the
 > exclusive use of the individual to whom it is addressed. The
 > information contained hereinafter may be proprietary, confidential,
 > privileged and exempt from disclosure under applicable law. If the
 > reader of this e-mail is not the intended recipient or agent
 > responsible for delivering the message to the intended recipient, the
 > reader is hereby put on notice that any use, dissemination,
 > distribution or copying of this communication is strictly prohibited.
 > If the reader has received this communication in error, please immediately notify us by telephone at (732) 363-3333 or
 > notify us by E-mail
 > at sgertner@gmplaw.net. Also, please send a hard copy of the E-mail to
 > Sean Gertner, P.O. Box 499, Lakewood, New Jersey 08701. We will
 > reimburse you for all expenses incurred. Thank you.
 > Pursuant to Treasury Department regulations, we are required to advise
 > you that any federal tax advice contained in this message (including
 > any
 > attachments) is not intended or written to be used, and cannot be

- > used, for the purpose of (i) avoiding tax-related penalties under the
- > Internal Revenue Code or applicable state or local tax law provisions
- > or (ii) promoting, marketing or recommending to another party any
- > tax-related matters addressed herein. Thank you.
- >
- >
- >
- > <Complaint - filed 10-15-14.pdf>

From: Ann Marie Eden <clerk@jacksontwpnj.net>
Sent: Thursday, December 04, 2014 4:13 PM
To: Joyce Blay
Cc: Ann Updegrave; Kenneth Bressi; Barry Calogero; Scott Martin; Robert Nixon; Helene Schlegel; Michael Reina
Subject: Re: OPRA Request 12.4.14
Attachments: Acknowledgement of Service Oros Bais Yaakov High School vs. Jackson Township Zoning Bd. of Adjustment.pdf

Joyce,

Please accept this email as my official response to your OPRA request (as noted below).

Attached please find copy of below requested document(s) relative to Oros Bais Yaakov High School vs. Jackson Township Zoning Board of Adjustment.

Sincerely,

Ann Marie

From: "Joyce Blay" <NJJournalist@msn.com>
To: "Ann Marie Eden" <clerk@jacksontwpnj.net>
Sent: Thursday, December 4, 2014 1:03:45 AM
Subject: OPRA Request 12.4.14

Good morning, Ann Marie.

Please email a signed and dated copy of the document showing proof of service to Jackson zoning board attorney Sean Gertner, which we discussed yesterday.

The proof of service is for receipt of the prerogative writ, Oros Bais Yaakov High School v. The Zoning Board of Adjustment for the Township of Jackson, docket # L2981-14.

Please also email a copy of any correspondence from the zoning board attorney that may have been included with the copy of the lawsuit you told me your office and the township planning and zoning office received from Sean. I am not requesting a copy of the lawsuit, which I already have, just correspondence the township may or may not have received with it.

Thank you for your assistance.

Sincerely,

Joyce Blay
Editor/Reporter
NJ News & Views

www.joyceblaynewsandviews.com
311 Floral Way
Toms River, NJ 08755
732-557-9412

Sent from my Verizon Wireless 4G LTE smartphone

2019 DEC 4 AM 9 26
TWP CLERKS OFFICE
JACKSON TOWNSHIP

Steven I. Pfeffer, Esquire - 266911971
LEVIN, SHEA & PFEFFER, P.A.
2105 West County Line Road
Jackson, NJ 08527
Phone: (732) 364-7333
Fax: (732) 367-4860
Attorney for Plaintiff

OROS BAIS YAAKOV HIGH SCHOOL

Plaintiff

vs.

ZONING BOARD OF ADJUSTMENT FOR
THE TOWNSHIP OF JACKSON

Defendant

SUPERIOR COURT OF NEW JERSEY
COUNTY OF OCEAN - LAW DIVISION

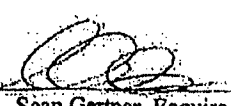
DOCKET #: L-2981-14 (PW)

CIVIL ACTION

ACKNOWLEDGMENT OF SERVICE

TO: Sean D. Gertner, Esquire
Gertner Mandel & Peslak, LLC
P.O. Box 499
1215 East Veteran's Highway
Jackson, NJ 08527

Service of the annexed Summons and Complaint is hereby acknowledged on this 14 day of
~~October~~, 2014.
November


Sean Gertner, Esquire
Attorney for Defendant

Zimbra

<https://mail.jacksonnj.net/h/printmessage?id=42938&tz=America/...>

Zimbra

clerk@jacksontwpnj.net

RE: Oros Bais Yaakove High School

From : Tracey Nolan <tnolan@gmplaw.net>
Subject : RE: Oros Bais Yaakove High School

Tue, Nov 04, 2014 02:14 PM

To : 'Tracey Nolan' <tnolan@gmplaw.net>,
JPURPURO@JACKSONTWPNJ.NET

Cc : [REDACTED]
[REDACTED] clerk@jacksontwpnj.net,
jlc@gm-law.net, [REDACTED]
Sean Gertner <SGertner@gmplaw.net>

1 attachment
per NJSA 47:1A-Kindings
REDACTED. Emails of
Zoning Board
members along
with Ins. Claims
Administrator
(per NJSA 47:1A-1)

Attached please find the complaint with regard to the above matter.

From: Tracey Nolan [mailto:tnolan@gmplaw.net]
Sent: Tuesday, November 04, 2014 2:07 PM
To: 'JPURPURO@JACKSONTWPNJ.NET'
Cc: 'scostanzo@chubb.com'; 'hjnrmshel@optonline.net'; 'Stormcld55@aol.com';
'clerk@jacksontwpnj.net'; 'jlc@gm-law.net'; 'dkellerman@qual-lynx.com'; Sean Gertner
Subject: Oros Bais Yaakove High School

2014 NOV 4 PM 2:31
TWP CLERKS OFFICE
JACKSON TOWNSHIP

Attached please find correspondence with regard to the above matter.

Thank You.

*Tracey Nolan, Legal Assistant at
Gertner, Mandel & Peslak, LLC
PO Box 499
Lakewood, NJ 08701
Tel: 732-363-3333
Fax: 732-363-3345
email: tnolan@gmplaw.net*

This transmission and the documents accompanying this transmission contain information from the Law Offices of Gertner, Mandel & Peslak, LLC, that is confidential and or privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited and the documents should be returned to this office immediately. Therefore, if you have received this transmission in error, please notify the sender of the delivery error by replying to this message, and then delete it from your system. Thank You.

From: Michael Reina <mikereina@jacksontwpnj.net>
Sent: Monday, June 16, 2014 10:02 AM
To: Robert A Nixon
Cc: Jean L. Cipriani, Esq.; Helene Schlegel
Subject: Fwd: A Case in Germany about Schooling

Thought I would pass this one on to you.

Sincerely,

Michael Reina

Mayor
Jackson Township
95 West Veterans Highway
Jackson NJ 08527
Office 732-928-1200 ext.1211
Fax 732-928-2613
mikereina@jacksontwpnj.net

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----- Forwarded Message -----

From: "Julie" <broj2@me.com>
To: "Michael Reina" <mikereina@jacksontwpnj.net>
Sent: Monday, June 16, 2014 9:59:30 AM
Subject: A Case in Germany about Schooling

Dear Mayor Reina:

Early this year, there was an interesting case before the US Supreme Court which ultimately refused to hear a case for a German family seeking asylum in the US in order to homeschool their children.

A German judge (this story appears on many Christian news /homeschooling outlets) ruled that families were creating a parallel society by refusing civil state education, ordered custody of the children to be taken away from the parents. The Judge said he feared the rise of a parallel society in which the children were taught religious ideology, and not to be integrated into the society at whole.

I thought this case interesting because the US is having a number of strains on our educational system, the most extreme it seem to me, the Lakewood religious settlement that demands public funds to bus children separately by

gender to private religious schools, which is a violation of American civil rights on gender, but which the religious settlement claims is a private religious issue.

A few years ago, Lakewood called one its newer housing developments, I think it could be on the border of Jackson, Little Sinai. Its name has been changed now; I'm not sure what it is, but certainly the vision informing this rampant development is religious, and appears to be a parallel society expanding. Howell is to the north, Toms River to the south, and Jackson to the west.

Communities are going to have to grapple with this expanding settlement. One need only look at what's happened to Lakewood to see the governing problems.

I think, too, of the Mormons in Salt Lake and how that community functions. Jon Krakauer wrote an excellent book called, *Under the Banner of Heaven*, that reviews the historical development of that community.

There are certainly big issues underlying the current Jackson application for a religious girls' high school in a residential area, which could be ruled more narrowly and simply on zoning/land use laws.

I wish Jackson well in thoughtful deliberation for the greater good of Jackson residents, and American society which respects private religious belief, but does not privilege it above common public American identity.

Truly,

J. Aparin, Ph.D., American Civilization (Retired)

From: Michael Reina <mikereina@jacksontwpnj.net>
Sent: Tuesday, February 04, 2014 10:00 AM
To: larwil@aol.com
Subject: Re: Question about Girls High School

Your very welcome, quite a few people called about the very same thing. It's an honest mistake on a very important issue that the Township is facing. Stay well and have a nice day.

Sincerely,

Michael Reina

Mayor
Jackson Township
95 West Veterans Highway
Jackson NJ 08527
Office 732-928-1200 ext.1211
Fax 732-928-2613
mikereina@jacksontwpnj.net

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From: larwil@aol.com
To: mikereina@jacksontwpnj.net
Sent: Tuesday, February 4, 2014 9:44:02 AM
Subject: Re: Question about Girls High School

Thank you for your quick response. I knew you have the answer.
Larry

Sent from my HTC EVO 4G LTE exclusively from Sprint

----- Reply message -----
From: mikereina@jacksontwpnj.net
To: <LARWIL@aol.com>

Subject: Question about Girls High School

Date: Mon, Feb 3, 2014 10:14 PM

Mr. Willis,

The property in which the proposed girls High School is not the property that is cleared on Cross St. I have personally passed that site several times and aside from signage no land had been disturbed. This can be verified by the office of Planning and Zoning also. Unless something happened in the past week I am quite sure that the site has remained untouched. Several people have called stating that the site was cleared only to have it confused with another parcel. Like all sites we stay as vigilant as we can. Please feel free to reach out anytime.

Sincerely,

Michael Reina
Mayor
Jackson Township
95 West Veterans Hwy
Jackson, NJ 08527
732-928-1200 ext 1211
732-928-2613 fax

CONFIDENTIALITY NOTICE: This electronic message contains information from the Jackson Township Mayor's office. This email and any files attached may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it, you are hereby notified that any DISCLOSURE, COPYING, DISTRIBUTION or use of any information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please forward same to sender and destroy the original transmission and its attachments without reading or saving in any manner.

From: LARWIL@aol.com
Sent: Monday, February 3, 2014 8:05 PM
To: mikereina@jacksontwpnj.net
Subject: Question about Girls High School

Mr. Mayor

I have a question about the new Girls School being built on Cross Street. I just read that the third Zoning Board hearing is tomorrow night. How can they

1. Prior to the hearings being completed- clear the trees from the land, remove them from the property
2. Dig a basement and have forms and cement already on the property
3. Signs and construction equipment in place

Where are our construction bureau officials and other Township Officials stopping movement until their applications are completed.

Larry Willis

Denton Lane
Jackson

EXHIBIT C

Opra - Danielle Sinowitz

<https://outlook.office.com/owa/?ItemID=AAMkAGMyZGZhNj...>

Opra

Opra Baby <letsoprababy@gmail.com>

Sun 3/24/2019 9:50 AM

To: Janice Kisty <jkisty@jacksontwpnj.net>; Danielle Sinowitz <dsinowitz@jacksontwpnj.net>;

opra request:

Dear Clerk,

please send me all emails between Mike Reina and Helene Schlegel in Oct 2014 with regard to the Oros bais Yaakov lawsuit or complaint

EXHIBIT D

REDACTED

----- Forwarded message -----

From: **Opra Baby** <letsoprababy@gmail.com>

Date: Sun, Mar 24, 2019 at 9:48 AM


Subject: Re: OPRA Response

To: Danielle Sinowitz <dsinowitz@jacksontwpnj.net>, Janice Kisty <jkisty@jacksontwpnj.net>

I see that an email between Mike Reina and Helene Schlegel in Oct 2014 with subject complaint or " Re complaint" was redacted , under opra I would like the unredacted copy of this email (it should not have been redacted)

On Fri, Mar 22, 2019 at 3:02 PM Danielle Sinowitz <dsinowitz@jacksontwpnj.net> wrote:

Danielle Sinowitz has shared a OneDrive for Business file with you. To view it, click the link below.

 JAN 14- JAN 15 emails.pdf

Dear OPRA Baby:

Please accept this as my official response to your OPRA (copy attached). Attached please find records requested pertaining to emails and letters to and from Mike Reina, Rob Nixon, Barry Calogero, Scott Martin, Ann Updegrave, and Ken Bressi in regards to Oros Bais Yaakov, Girls schools.

Please be advised "schools" is overly broad and requires clarification

Please note: Redactions have been made pursuant to NJSA 47:1A-1.1

Danielle Sinowitz

Clerk I

Jackson Township

95 West Veterans Highway

Jackson, NJ 08527

Tel: 732-928-1200 ext. 1203

Email: Dsinowitz@jacksontwpnj.net



EXHIBIT E

REDACTED

----- Forwarded message -----

From: **Danielle Sinowitz** <dsinowitz@jacksontwpnj.net>
Date: Mon, Mar 25, 2019 at 2:59 PM
Subject: OPRA Response
To: letsoprababy@gmail.com <letsoprababy@gmail.com>

Dear OPRA Baby:

Please accept this as my official response to your OPRA (copy attached). Your records requested have been destroyed under general correspondence as per approval from the NJDARM. Attached please the Authorization from Records Disposal approved on 3/6/19.

Thank you.

Danielle Sinowitz

Clerk I
Jackson Township
95 West Veterans Highway
Jackson, NJ 08527
Tel: 732-928-1200 ext. 1203
Email: Dsinowitz@jacksontwpnj.net



Opra - Danielle Sinowitz

<https://outlook.office.com/owa/?ItemID=AAMkAGMyZGZhNj...>

Opra

Opra Baby <letsoprababy@gmail.com>

Sun 3/24/2019 9:50 AM

To: Janice Kisty <jkisty@jacksontwpnj.net>; Danielle Sinowitz <dsinowitz@jacksontwpnj.net>;

opra request:
Dear Clerk,

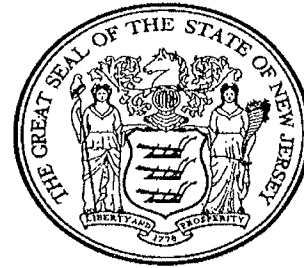
please send me all emails between Mike Reina and Helene Schlegel in Oct 2014 with regard to the Oros bais Yaakov lawsuit or complaint

REQUEST AND AUTHORIZATION FOR RECORDS DISPOSAL		Instructions: Please type or print. This request must be submitted prior to the disposition of any public records. State agencies must complete items 1. through 14., county and municipal must also complete items 15. A and 15. B, if fiscal records are listed. Return intact form (all four parts) to: DISPOSAL REQUESTS, Department of State, Division of Archives and Records Management (DARM), 2300 Stuyvesant Avenue, P.O. Box 307, Trenton, N.J. 08625. For questions or assistance, call (609) 530-3208. Please include self addressed envelope for expedited service.		1. Requesting Agency Name Administration 95 West Veteran's Highway, Jackson, NJ 08527	
		1.A Agency Retention Schedule Number M100000 - 013			
2. Request Id/Date 1191 3/5/2019	3. Requested By (Electronically Signed by) Samantha Novak 03/06/2019	4. Request Approved By (Electronically Signed by) Janice Kisty 03/06/2019	5. Records Manager (Electronically Signed by)		
6. Archival Review Not Required	7. Premature Records Disposal Microfilm Digital Image Damaged Records Certificate		8. Comments This includes all paper and electronic correspondence/ email.		
Authorization is here by requested for the disposal of the following public records in accordance with New Jersey P.L. 1953, c. 410 as amended. It is further certified that the record series listed herein have exceeded their respective retention periods and are not involved in litigation and are not required for present or future audit. NOTE: Items 9., 10., and 11. must be completed as they appear on an approved records retention schedule.					
# 1	9. Series # 10503-0001	10. Record Series Title Correspondence - General External	11. Retention Period 3 Years	12. Inclusive Dates From (MM/YYYY) To (MM/YYYY) 01/2009 01/2016	13. Dispose After 10.00
				14. Volume (in Cubic Feet)	15. Volume 10.00

For Division Use Only :		Total Volume :		10.00
15. Audit Verification		17. Disposition		
15.A Auditor Jerry Conaty 03/06/2019	(Electronically Signed by)	16.A Authorization Date 3/6/2019	16.B Authorization Number 553741	17.A Verification Signature
15.B Date	16.C Director's Signature, Division of Archives & Records Management	17.B Date		

EXHIBIT F

STATE OF NEW JERSEY
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
DCR DOCKET NO. AQ11WM-66721



In re Jackson Township
Ordinance Nos. 03-17, 04-17 and
20-17

Administrative Action

SUBPOENA DUCES TECUM

RECEIVED

NOV - 8 2017

THE STATE OF NEW JERSEY, to:

Helene Schlegel, Business Administrator
Jackson Township
95 Veterans Highway
Jackson, New Jersey 08527

You are hereby commanded to appear at and produce to the New Jersey Division on Civil Rights or to its representative, **J. Manuel Castillo, Supervising Investigator**, on or before **November 29, 2017**, at its offices located at **31 Clinton Street, 3rd Floor, Newark, New Jersey 07102**, the documents and information listed in the attached Schedule A.

In lieu of your appearance, you may provide the documents and information identified in the attached Schedule on or before the return date at the address listed above by Certified Mail, Return Receipt Requested, addressed to the attention of **J. Manuel Castillo, Supervising Investigator**. You may, at your option and expense, provide certified, true copies in lieu of the original documents identified in the attached Schedule by completing and returning the Certification attached hereto.

Failure to comply with this subpoena may render you liable for contempt of court and such other penalties as are provided by law. This subpoena is issued pursuant to the authority set forth in N.J.S.A. 10:5-8.

DATE:

11-8-17

A handwritten signature in black ink, appearing to read "Craig Sashihara".

Craig Sashihara, Director
NJ DIVISION ON CIVIL RIGHTS

INSTRUCTIONS

- A. Unless otherwise noted, the relevant time period for which documents are requested pertain to the period from **January 1, 2015 to present**. In each instance in which a document is produced in response to a request, the current edition should be produced together with all earlier editions, or predecessor documents serving the same function during the relevant time period, even though the title of earlier documents may differ from current versions.
- B. The document request calls for all described documents in your possession, custody or control without regard to the person or persons by whom or for whom the documents were prepared (e.g., your directors, administrators, employees, teachers, or others).
- C. Submit production in written and electronic format.
- D. The following procedures shall apply to the production, inspection and copying of paper documents:
 - i. The producing parties shall produce original, complete documents. Documents shall be produced in the order that the documents are maintained in the producing party's files, in original folders, with the folder's original file tabs.
 - ii. All attachments to responsive documents shall be produced attached to the responsive documents.
 - iii. No portion of any documents will be masked and the entire document shall be produced.
 - iv. The producer shall label each group of documents in the following manner: Response to Document Request No. 1; Response to Document Request No. 2, etc., and attach the label to the corresponding documents.
 - v. The producer will provide a key to all abbreviations used in the documents. The key will be attached to the appropriate documents.
- E. This Request is directed to Jackson Township, as well as any Township officials, Township Council members, committee members, administrators, including any employees, representatives, agents, attorneys, affiliates, successors, assigns or any individual or entity acting or purporting to act on its behalf.
- F. If one or more documents or any portions thereof requested herein are withheld under a claim of privilege or otherwise, identify each document or portion thereof as to which the objection is made, together with the following information:

- i. Each author or maker of the document;
 - ii. Each addressee or recipient of the document or person to whom its contents were disclosed or explained;
 - iii. The date thereof;
 - iv. The title or description of the general nature of the subject matter of the document and the number of pages;
 - v. The present location of the document;
 - vi. Each person who has possession, custody or control of the document; and
 - vii. The basis on which the objection is made.
- G. In the event that any document that would have been responsive to this Request has been destroyed or discarded, identify that document and also include:
- i. The date of the document's destruction or discard;
 - ii. The reason for the destruction or discard; and
 - iii. The persons authorizing and/or carrying out such destruction or discard.

DEFINITIONS

1. "You," "your," and "Township" means Jackson Township, as well as any Township officials, the Mayor, Council members, committee members, administrators, and includes any employees, representatives, agents, attorneys, affiliates, successors, assigns or any individual or entity acting or purporting to act on its behalf.
2. "Document" or "material" include writings, recordings, drawings, graphs, photographs, phone records, compact discs, video cassettes, computer files, electronic/magnetic files of any type and any other data compilations from which information can be obtained and translated, if necessary, by use of detection devices into reasonably usable form.
3. "Any" includes "all" and vice versa.
4. "Person[s]" means any natural person, individual, any entity (whether partnership, corporation, limited liability company or corporation, trust, estate, incorporated or unincorporated association or cooperation), any governmental agency or entity and any other legal or commercial entity however organized.

5. The conjunctions “and” and “or” shall be interpreted conjunctively and shall not be interpreted disjunctively to exclude any information otherwise within the scope of this Request. References to the singular include the plural and references to the plural include the singular.
6. The terms “all” and “each” shall be construed as all and each.
7. The terms “his” or “he” shall refer to either gender and is intended to be gender-neutral.
8. “Concerning” means relating to, pertaining to, referring to, describing, evidencing or constituting.
9. “Ordinance No. 03-17” refers to the Jackson Township Ordinance 03-17, amending Chapter 244, which was adopted on March 16, 2017.
10. “Ordinance No. 04-17” refers to the Jackson Township Ordinance 04-17, amending Chapter 244, which was adopted on March 16, 2017.
11. “Ordinance No. 20-17” refers to the Jackson Township Ordinance 20-17, amending Chapter 372, which was adopted on September 12, 2017.
12. “§372-8” refers to the Jackson Township Code §372-8 entitled “Obstruction of Streets Restricted.”
13. “Township” means Jackson Township, Ocean County, New Jersey, including but not limited to the Mayor, Council members, committee members, administrators, and includes any employees, representatives, agents, attorneys, affiliates, successors, assigns or any individual or entity acting or purporting to act on its behalf.
14. “Eruv” or “eruv” means a demarcation of an area under Jewish law.
15. “Lechis” means strips of wood or plastic attached to the sides of certain telephone or utility poles or wires.

Schedule A

1. All materials related to the Township's proposal, consideration of, or decision to apply to §372-8 to the installation of lechis on utility poles located in the Township.
2. All materials, including notes, documents, minutes, video or audiotape recordings, transcripts, correspondence, and photographs from any Township Council meeting related to eruv or Ordinance 20-17, including but not limited to the Township Council Meetings held on August 22, 2017 and September 12, 2017.
3. All materials, including notes, documents, minutes, video or audiotape recordings, transcripts, correspondence, and photographs from any Township meeting, whether a regularly held or special meeting, in which the Mayor, Council members, or any Township staff discussed concerns, questions, comments, or proposals related to the presence or construction of an eruv within the Township or placement of lechis on utility poles located in the Township.
4. Full social media postings, including all comments on each post, created and/or commented on by the Mayor, Council members, or any Township staff member regarding the posting or affixation of any materials to utility poles located in the Township or the application of §372-8 to the posting or affixation of any materials to utility poles located in the Township.
5. Full social media postings, including all comments on each post, considered, created and/or commented on by the Mayor, Council members, or any Township staff member, related in any way to concerns or questions about the presence of or construction of an eruv within the Township or placement of lechis on utility poles located in the Township.
6. Full social media postings, including all comments on each post, considered, created and/or commented on by the Mayor, Council members, or any Township staff member, related in any way to Ordinance 20-17.
7. All materials related to complaints or comments, written or verbal, received by the Township, from any person, regarding the presence of or construction of an eruv within the Township or placement of lechis on utility poles located in the Township.
8. All materials related to complaints or comments, written or verbal, received by the Township, from any person, regarding the presence of Orthodox Jews or members of any other religious faith in the Township.
9. All communications (including emails and text messages) made or received by the Mayor, Council members, or any Township staff member regarding the posting or affixation of any materials to utility poles located in the Township or Ordinance 20-17.
10. All violation notices issued for alleged violations of §372-8.
11. All requests received concerning installation or maintenance of an eruv in the Township.

12. All responses provided by any Township official to any request received by the Township concerning installation or maintenance of an eruv in the Township.
13. For each Township official who played a role in the decision to apply §372-8 to the attachment of lechis on utility poles located in the Township, identify the official by name, position, and role in the decision(s).
14. All materials, including notes, documents, minutes, video or audiotape recordings, transcripts, correspondence, and photographs from any Township Council meeting related to Ordinance 03-17, including but not limited to the Township Council Meetings held on January 24, 2017, February 28, 2017 and March 16, 2017.
15. All materials, including notes, documents, minutes, video or audiotape recordings, transcripts, correspondence, and photographs from any Township Council meeting related to Ordinance 04-17, including but not limited to the Township Council Meetings held on January 24, 2017, February 28, 2017 and March 16, 2017.
16. All materials, including notes, documents, minutes, video or audiotape recordings, transcripts, correspondence, and photographs from any Township meeting, whether a regularly held or special meeting, in which the Mayor, Council members, or any Township staff discussed concerns, questions, comments, or proposals related to the presence or construction of private schools or dormitories in the Township.
17. All inquiries received by the Township concerning the construction of or placement of private schools or dormitories in the Township.
18. All approvals given by the Township concerning the construction of or placement of private schools or dormitories in the Township.
19. All communications (including emails and text messages) made or received by the Mayor, Council members, or any Township staff member regarding the construction or placement of private schools or dormitories in the Township.
20. All communications (including emails and text messages) made or received by the Mayor, Council members, or any Township staff member regarding Ordinance 03-17 or Ordinance 04-17.

CERTIFICATION OF TRUE COPY

I, _____, hereby certify that each of the documents annexed hereto is a true and exact copy of the entire document, that the existence of any other requested documents are unknown to me, and that if such documents become known to be later, I shall serve them promptly on the New Jersey Division on Civil Rights.

I understand that if my response to the Subpoena is willfully false, I am subject to punishment.

DATED:

Signature

Title or Position

EXHIBIT G

REDACTED

----- Forwarded message -----

From: **rise up ocean** <riseupocean@gmail.com>

Date: Mon, Mar 25, 2019 at 5:35 PM

Subject: Re: Information request

To: Ann Marie Eden <clerk@jacksontwpnj.net>, Janice Kisty <jkisty@jacksontwpnj.net>

Good afternoon...this still was not filled

On Mon, Feb 25, 2019 at 6:52 AM rise up ocean <riseupocean@gmail.com> wrote:

Dear Clerk,

Under OPRA please send me all emails and letters to and from Mike Reina, Rob Nixon , Barry Calogero , Scott Marin, Ann Updegrave and Ken Bressi with regards to Oros Bais Yaakov , girls schools, and schools between 01/01/14 thru 01/01/15